

The background of the entire image is a deep space photograph. It features a dense field of galaxies and distant stars. The galaxies are seen in various orientations and colors, including bright yellow, orange, and blue. The stars appear as small, distant points of light. The overall scene is a vast, dark expanse of the universe.

Church and State: The Ten Commandments, Pledge, and U.S. Motto in Today's Universe

George H. Robinson

CHURCH AND STATE

The Ten Commandments, Pledge, and U. S. Motto in Today's Universe

by George H. Robinson

Revised Edition

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Edited by Nancy Robinson

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Preface

If I have achieved my goals in writing this book (or extended essay), the reader will find it to be offensive, unorthodox, thought-provoking, penetrating, iconoclastic, as well as informative. For example, in contrast to many views expressed in the popular press that the Ten Commandments are desirable (or, if not completely relevant in our time, they do provide a set of favored forms of personal conduct for us), I suggest that the set with which most people are familiar includes commandments which are not as benign or humane as generally believed. In the following pages I am, however, primarily concerned with freedom of (and from) religion as this freedom is widely (but not universally) viewed by residents of the United States. My view, which I believe is the view of the U. S. Constitution, is that the federal and individual state governments should be neutral with regard to religion in terms of beliefs and, so long as there is no adverse effect on others, practices. This neutrality is specified and required by Article Six and, also, the Establishment and Free Exercise Clauses of the First Amendment of the U. S. Constitution and extended in its application to the states through the Fourteenth Amendment. In recent years there seem to have been attempts to circumvent this neutrality by various groups with the frequent assistance of public officials. Most of these attempts have been made to support a particular religion, usually Christianity. Religious support or opposition to any particular religion is completely legal and constitutional when it is privately funded and occurs on private property. The issue arises when, and only when, direct or indirect public financing occurs or the support is manifested on public property, in which case the support becomes constitutionally non-neutral by favoring either religion or anti-religion.

There have been many federal cases over the past century in various courts (district, appeals, or the Supreme Court) in which church-state issues have been decided. A number of these have involved the posting of the “Ten Commandments” on public property, and decisions by the Supreme Court have both favored and struck down their posting, depending upon the circumstances of their posting. My primary concern is not so much with the legal status of posted versions of the Ten Commandments, but, rather, with the composition of the posted versions (legal and otherwise) and their underlying meaning and significance. Although most people are vaguely aware of what is known as the Ethical Decalogue of Exodus Chapter 20 (and a slightly different version in Deuteronomy Chapter 5), relatively few outside

the scholarly community are aware of a third version, the Ritual Decalogue, of Exodus Chapter 34. I describe and discuss the Ethical and Ritual Decalogues and, also, elaborate rarely mentioned consequences required by the Ethical Decalogue for its infractions. This material is covered in **PART I**.

PART II is concerned with religious demographics within the United States and how diverse viewpoints exist, some majority and some minority. Discrimination against a minority (or subordinate) group by a majority (or dominant) group can develop in several ways. Examples of discrimination, along with consequences, are given both for experimental and, also, naturally occurring events (such as events in Nazi Germany). Factors that either worsen or ameliorate the results of discrimination are described. The role of cognitive dissonance and the influence of psychological separation between dominant and subordinate groups or individuals is described with examples of studies that illustrate the role of these variables in influencing behavior of dominant factions relative to subordinate groups.

I speculate that cognitive dissonance is, also, involved in some of the court decisions concerned with church-state disputes. Specifically, the controversy involving the addition of “under God” to the Pledge of Allegiance, and the official adoption of “In God We Trust” (replacing the unofficial “*E Pluribus Unum*”) as the Motto of the United States, along with the required placement of “IN GOD WE TRUST” on all currency are described in some detail. Government sponsorship of obvious religious language supporting monotheism generates among jurists, who must justify it *vis-à-vis* the U. S. Constitution, a probable increase in cognitive dissonance. The concept of “ceremonial deism” seems to be employed to reduce dissonance and rationalize governmental advocacy of theistic religion with a theoretically neutral U. S. Constitution.

Virtually all parenthetical references in the text are to readily accessible sources on the Internet. Many of the sources are articles in Wikipedia, selected as the most easily accessed source, while recognizing that a search engine search can reveal other articles covering the same topics. Court cases, briefly listed as “*Plaintiff v. Defendant*,” can usually be found by using that phrase (with the actual names of the litigating parties in place of those within quotation marks) as the subject in a search engine search. My intentional deviation from standard (e.g., APA format) referencing is an attempt to avoid paywalls for the reader by indicating alternative free (and legal) immediate access to articles online. Similarly, I have reported statistical correlations and p-values with an initial 0 (zero) before the decimal point for those not acquainted with statistical reporting.

In **PART III** I attempt to address some concerns involving ethics. There are alternatives to theocratic or theological bases of morality which are indicated. The idea of an absolute morality based, for example, on the Ten Commandments, has its ethical hazards. Some of these are suggested.

I am deeply indebted to my wife, Nancy Robinson, for her extensive editorial morphing of my original pdf version of this book into an eBook format. This version permits easy and rapid movement from one part of the book to another and facilitates overall readability.

George H. Robinson
January, 2017

Revised June, 2018

Chapter 1 – Introduction

1.1 – Science, Religion, and the Cover Photograph Background

For those who look to the Bible for accurate scientific knowledge, disappointment awaits. The confrontations between science and biblical themes are generally well known with regard to evolution and geology, but there are other scientific disciplines involved as well. Consider the heart, which is mentioned hundreds of times within the canonical Old and New Testaments. From the Pentateuch, alone (King James Version), we find “thoughts of his heart,” (Genesis 6:5), “said in his heart,” (Genesis 27:41), “glad in his heart,” (Exodus 4,14), hardening of Pharaoh’s heart in various ways (Exodus 7:3; 8:19; 9:12; 9:34-35; 10:1; 10:20; 10:27; 11:10; and 14:8), “willing heart,” (Exodus 35,5), “whose heart made them willing,” (Exodus 35:29), “wisdom of heart,” (Exodus 35:35), “in whose heart the LORD had put wisdom,” (Exodus 36:2), “sorrow of heart,” (Leviticus 26:16), “discourage ye the heart of the children,” (Numbers 32:7), “made his heart obstinate,” (Deuteronomy 2:30), “consider it in thine heart,” (Deuteronomy 4:39), “uprightness of thine heart,” (Deuteronomy 9:5), “your heart be not deceived,” (Deuteronomy 11:16), “wicked heart,” (Deuteronomy 15:9), “gladness of heart,” (Deuteronomy 28:47), and “trembling heart,” (Deuteronomy 28:65). Literally, these comments are neuropsychologically implausible. Possibly, these phrases were intended to be interpreted metaphorically, and the brain is the intended organ. The brain, however, is not mentioned in the canonical biblical text. Everyday phrases in contemporary life include some just mentioned plus “heavy heart,” “weak heart,” “faint heart,” “noble heart,” “hearts content” (Shakespeare), “heart-to-heart,” “straight from the heart,” “uplifted heart,” “broken heart,” “a compassionate heart,” among others.

Another area of seemingly perennial conflict is the field of cosmology. Imagine the experience of a person some 3500 years ago as he or she looks up at night. If clouds are absent one would see stars, some fixed in relative position from night to night while others seemed to change position or wander (planets) and, on some nights, the moon. During daylight times (“hours” were not invented for many centuries, although various time divisions were made in different ancient cultures [<http://en.wikipedia.org/wiki/Hour>]) the Sun

made its appearance and stars vanished. In the Hebraic cosmology of the time, all of these celestial objects seemed to be situated along the inside of a giant inverted bowl, and they moved each day from East to West above the earth, which seemed to be flat, extending out to the ends (or the four corners) of the earth. (See Deuteronomy 13:9; Job 37:3; 38:13; Ezekiel 7:2; Isaiah 11:12; Revelation 7:1.) The biblical cosmological structure seemed to consist of the firmament above (bowl) separating water above it from the air space and earth below which is positioned above an underworld consisting of more water and Sheol (an early version of Hell or Hades, vaguely defined). (See Genesis 1:6-9; Exodus 20:4; Isaiah 14:9; Job 26:5-11.) Distances to the Sun, Moon, and stars could only be very imprecisely estimated, but they apparently were not very great. In the New Testament synoptic apocalypse, for example, one of the indications of the return of the Son of man is the occurrence of stars falling to the earth (Matthew 24:29; Mark 13:25).

Over the years since then, the question of distance between humans on earth and celestial objects has been repeatedly asked and answered in various cosmological models. With the development of Hellenic science and philosophy, the earth became considered to be both spherical and, with Aristotle and (more elaborately) Ptolemy, also the geocentric center of the known universe. Much of Ptolemy's speculation was based on star maps developed previously by the astronomer Hipparchus. Ptolemy's geocentric view, perhaps largely through the the previous geocentric view of Aristotle and the influence Aristotle had on St. Thomas Aquinas and the Catholic Church, continued to be dominant for well over a thousand years.

Astronomical distances have been, in recent years, clarified by a number of developments. Consider a succession of independent overlapping ladders of evidence arranged such that, when placed together, there are among common overlapping parts, stars whose distances can be measured in multiple ways, thereby providing converging evidence of their distances from the sun (and earth). This provides a multiplicity of methods for determining distances to various recently discovered parts of the universe including parallax (both optical and very long baseline interferometry), standard candles, Cepheid variable stars, Type Ia supernovae, Hertzsprung-Russell spectral estimates of stellar absolute magnitude, and redshifted magnitudes related to distance for extra-galactic sources.

(https://en.wikipedia.org/wiki/Cosmic_distance_ladder)

The heliocentric theory proposed by Copernicus (1543 CE) was not as theologically-friendly as the geocentric theory favored by the Catholic Church. For example, the standing still of the Sun over Gibeon and of the Moon in the valley of Ajalon (Joshua 10:12-13) were more challenging to

interpret if the earth was not central. Galileo was placed under house arrest by the Church for his adoption of the theologically unacceptable Copernican theory (Copernicus, reportedly, had been on his death bed when he finally released his theory to the world). Galileo used a telescope he built, after the design of Hans Lippershey, to discover some of the complexity of the optical universe including the four “Galilean moons” of Jupiter, sunspots, and phases of Venus. (https://en.wikipedia.org/wiki/History_of_the_telescope)

The development of improved telescopes has been associated with increasing amounts of information about the earth’s placement within the solar system, the discovery of other planets and their moons, the categorizing by Messier (and others) of nebulous objects in the night sky now known as galaxies, one of which is the Milky Way in which the earth and solar system reside. Since 1900 CE the estimated number of galaxies, based on telescopic observation, has increased into the billions (one American billion = one thousand million) with many of these galaxies each containing billions of stars. They are moving away from each other, as found by Edwin Hubble, with increasing velocity at greater distances (as indicated by the redshifted light from them) in what appears to be an expanding universe. If it is expanding, then one might by tracing backward in time determine when the universe had its start; this was proposed by the Belgian physicist and priest Georges Lemaitre. The result of this retrospective consideration is now known as the Big Bang, which occurred 13.7 billion years ago. In recent years more than one thousand exoplanets (planets revolving around other stars) have been found, and the orbiting Hubble telescope has provided much clearer images of celestial objects than can be obtained from ground-based telescopes having to view celestial objects through the atmosphere. The cover photo for this book is a portion of the Hubble eXtreme Deep Field (XDF) showing galaxies that are up to 13.2 billion years old. (<https://en.wikipedia.org/wiki/Cosmology>)

Cosmologically, we live in an exciting, complex, and fabulous age. Given that our knowledge of the observable universe has expanded tremendously over the past 100 years as a result of improvements in observational equipment (optical and radio telescopes, CCD’s, satellites, etc.), one can only wonder what will be known 100 years hence (or 1000 years hence). With access to, and storage of, information expanding at an increasing rate and the expansion of the Internet, the future should be more exciting than the present.

Religious and secular cosmologies diverge with respect to the role they introduce supernatural (or non-natural) causative elements into explanations. God is not likely to be mentioned in secular accounts either because of non-belief or through an absence of any empirical evidence of a causative

influence being present. Biblical cosmology varies in its theological manifestations. Some adopt scientific findings and attempt to harmonize them with scriptural statements. Others (literalists and fundamentalists), however, may include in their belief system one or more gods; a belief that the earth and its population was created in 4004 BCE (as Bishop Ussher famously estimated); that a deity (Yahweh) caused a world-wide flood that killed all of the earth's population of men, women, children, and animals, except for Noah and his extended family, and either two or seven of each type of animal because of the bad behavior of other people; that a group of people led by Moses became favored by Yahweh, subject to their acceptance of and obedience to the laws specified by Yahweh (which included the "Ten Commandments"), among other beliefs. These beliefs are included within the religions of Judaism, Christianity, and Islam, all of which have in common traditions going back to Abraham of the Old Testament. The belief system has, over the years, come to be known as Abrahamic monotheism, a designation I will use for convenience.

For readers of this book who happen to fall within the Abrahamic tradition some of Parts I and II may be upsetting. The disturbing parts are likely to be statements from the Bible which are unexpected because they are usually not mentioned. There are commands by the deity of the Israelites, Yahweh, that are to be obeyed and which are illegal in the United States. My mentioning these will be disturbing to some and not to others, depending upon your theological orientation. It is not my intent to upset, nor to convert one in his or her religious beliefs. My primary concern is for the integrity of the First Amendment of the U. S. Constitution. I believe each person has an absolute right to believe whatever they believe as long as it does not adversely affect other people.

1.2 – Overview of PARTS I, II, and III

In **PART I** I describe the three versions of the Ten Commandments given in the Pentateuch (including my translation of Goethe's version of what has come to be known as the Ritual Decalogue of Exodus 34). In contrast to the views of many, the consequences of the popular Ethical Decalogue (given in Exodus 20 and, with some minor differences in Deuteronomy 5) are shown to be much less benign than most people know or have considered. I, then, suggest some ideas about possible audiences for these sets of Ten Commandments, ranging in significance from those delivered by a tribal deity to the Israelites alone to a world-wide community.

PART II is concerned with religious demographics and their consequences. Worldwide and United States majority and minority religions are tabulated with a discussion of ingroup vs. outgroup comparisons and consequences. A discussion is given of the role of discrimination between majority (dominate) and minority (subordinate) groups along with factors contributing to discrimination (e.g., physiognomic characteristics, psychological distance between groups and individuals, and cognitive dissonance). Church-state conflicts and court decisions attempting to resolve majority vs. minority religious viewpoints within the United States are described and interpreted. Specifically, the role of cognitive dissonance is applied to “ceremonial deism” and its use in reducing First Amendment Establishment Clause offense caused by the phrase “under God” in the Pledge of Allegiance, “IN GOD WE TRUST” on currency, and the current official U. S. motto, “In God we Trust” (which replaced the unofficial non-religious “*E Pluribus Unum*”).

PART III is devoted to some speculations about morality and religion, including brief descriptions of some historic moral-legal codes. I, then, describe some concerns I have involving the separation of church and state in the United States and the concept of “ceremonial deism.” The book ends with an advocacy of religious freedom and separation of church and state.

Appendix A (in two parts) is included listing some selected church-state court decisions alphabetically (**List A.1**) and chronologically (**List A.2**).

PART I – THE DECALOGUES (OR TEN COMMANDMENTS)

Over the past six decades attempts to place monuments to the Ten Commandments have been repeatedly made and challenged (as to the constitutionality of placements on public land). This book is concerned, not as much with the legal aspects, but with less superficial details of the idea of a Ten Commandments monument. Specifically, I will address the following concerns from a layman's viewpoint (religiously and legally): 1) What are the Ten Commandments?; 2) How are they typically represented on monuments?; 3) What is the current relevance of the Ten Commandments?; and 4) What are the biblical consequences of violating particular commandments?

Rather than approaching this by relating views given by the Graf-Wellhausen documentary hypothesis, particularly for the Pentateuch (where different parts are ascribed to authors identified by J, E, D, or P), I will simply use the Standard King James Version (KJV) of the Old Testament because of its availability, general acceptance, and prevalence (recognizing that some might prefer other versions for readability, accuracy, or both). Whether or not Moses wrote all, most, or any of the Pentateuch is not relevant to this essay. In addition, for the convenience of the reader, references are given parenthetically within the text and are to stable and available sites on the Internet.

Chapter 2 – Ritual and Ethical Decalogues

This chapter addresses the first two questions posed in **PART I**:

What are the Ten Commandments?

How are they typically represented on monuments?

Within the canonical Old and New Testaments the phrase “Ten Commandments” (or “Ten Words”) appears a total of three times. Exodus 34:28, Deuteronomy 4:13, and Deuteronomy 10:4 each mention this phrase, but a listing of the commandments is given only by Exodus Chapter 34. Listings of commandments without the accompanying phrase appear in Exodus Chapter 20 and Deuteronomy Chapter 5. A list of six of the familiar Ten Commandments appears in Matthew 19:17-19, again without the phrase, “Ten Commandments.”

The Exodus 34 version of the Ten Commandments radically differs from those listed in Exodus 20 and Deuteronomy 5. The list in Exodus 34, known as the Ritual Decalogue, is largely unfamiliar because of the greater emphasis on those in Exodus 20 and Deuteronomy 5, known as the Ethical Decalogue. The writer Johann Wolfgang von Goethe provided his arrangement of the version in Exodus 34 as follows:

2.1 – Ritual Decalogue (Goethe’s version)

1. Du sollst keinen andern Gott anbeten. Darum hüte dich, daß du nicht einen Bund mit den Einwohnern des Lands machst; noch deinen Söhnen ihre Töchter zu Weibern nimmest, sie würden dich zu falschen Göttern kehren. Eben so wenig sollst du mit irgend einem Bilde was zu tun haben.

2. Das Fest der ungesäuerten Brot sollst du halten. Sieben Tage sollst du ungesäuert Brot essen um die Zeit des Monats Abib, zur Erinnerung, daß ich dich um diese Zeit aus Egypten geführt habe.

3. Alles was seine Mutter am ersten bricht, ist mein, was männlich sein wird in deinem Vieh es sei Ochse oder Schaf. Aber statt dem Erstling des Esels sollst du ein Schaf erlegen etc. Die Erstgeburt deiner Söhne sollst du lösen, und daß niemand vor mir leer erscheine.

4. Sechs Tage sollst du arbeiten, am siebenten Tage sollst du feiern beides mit Pflügen und Ernten.

5. Das Fest der Wochen sollst du halten mit den Erstlingen der Weizenernte, und das Fest der Einsammlung wenn das Jahr um ist.

6. Dreimal im Jahr sollen alle Mannsnamen erscheinen vor dem Herrn. Und es soll niemand deines Lands begehren, so lang du diesem Gebote gehorchst.

7. Du sollst das Blut meines Opfers nicht opfern auf dem gesäuerten Brot.

8. Das Opfer des Osterfests soll nicht über Nacht bleiben.

9. Das Erstling der Früchte deines Ackers sollst du in das Haus des Herren bringen.

10. Du sollst das Böcklein nicht kochen, wenns noch an seiner Mutter Milch ist.

Zwo wichtige bisher unerörterte biblische Fragen
Zum erstenmal gründlich beantwortet,
von einem Landgeistlichen in Schwaben.
Lindau am Bodensee
1773

(<http://gutenberg.spiegel.de/buch/kurze-religi-5774/1>)

Goethe's Ritual Decalogue parallels closely, with only a few insignificant changes, the text of Exodus 34 given in Martin Luther's German translation of the Bible. Being unable to find an English translation elsewhere, I provide my translation of Goethe's version:

2.2 – Ritual Decalogue (An English Translation)

1. Thou shalt worship no other God. Therefore, watch out that thou not make an alliance with the inhabitants of the land; nor that thy sons marry their daughters, who would turn thee to false Gods. Even as little as having to do with images.

2. Thou shalt keep the festival of unleavened bread. Seven days shalt

thou eat unleavened bread around the time of the month Abib, in order to commemorate the time I led thee out of Egypt.

3. All beasts initially emerging from their mother, be they oxen or sheep, are mine. But instead of an ass, thou shalt hunt down a sheep. The firstborn of thy sons shalt thou release so that none appear before me empty.

4. Six days shalt thou work, but on the seventh celebrate plowing and harvesting.

5. Keep the festival of weeks with the first of the wheat crops, and the festival of collection at the end of the year.

6. Three times per year shall all men appear before the Lord. None shall covet thy land so long as this commandment is obeyed.

7. Thou shalt not sacrifice the blood of my offering on the leavened bread.

8. The sacrifice of the festival of the passover shall not remain overnight.

9. The firstfruits of thy field shall thee bring to the house of the Lord.

10. Thou shalt not cook a young ram if it is in his mother's milk.

The listing for "Decalogue" in the Eleventh Edition of the Encyclopedia Britannica provides additional information and suggestions about the composition of the Ten Commandments of Exodus 34 apart from the version provided by Goethe. (<http://www.studylight.org/encyclopedias/bri/view.cgi?n=8688>)

Since translating Goethe's version, I have discovered a less literal translation included in a letter dated 14 November 1813 from John Adams to Thomas Jefferson in which Adams raises the following question as a preface to Goethe's arrangement:

Among all your researches in Hebrew History and Controversy have you ever met a book, the design of which is to prove, that the ten Commandments, as We have them in our Catechisms and hung up in our Churches, were not the Ten Commandments written by the Finger

of God upon tables, delivered to Moses on mount Sinai and broken by him in a passion with Aaron for his golden calf, nor those afterwards engraved by him on Tables of Stone; but a very different Sett of Commandments?

(http://founders.archives.gov/documents/Jefferson/03-06-02-0476#TJ107693_5)

Contrast the above Ritual Dialogue with the following Ethical Decalogue based on Exodus Chapter 20 (preserving KJV English case and spelling):

2.3 – Ethical Decalogue (Protestant version)

And God spake all these words, saying, I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage.

1. Thou shalt have no other gods before me.
2. Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; And shewing mercy unto thousands of them that love me, and keep my commandments.
3. Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain.
4. Remember the sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: But the seventh day is the sabbath of the LORD thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: For in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the sabbath day, and hallowed it.
5. Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.
6. Thou shalt not kill.

7. Thou shalt not commit adultery.
8. Thou shalt not steal.
9. Thou shalt not bear false witness against thy neighbour.
10. Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.

2.4 – How are they typically represented on monuments?

Of the conventional Jewish, Catholic, and Protestant versions (which are very similar), a Google image search of Ten Commandments monuments indicates that most include the Protestant version (although at least one instance of a KJV-Ritual Decalogue, possibly by accident, is included in a story about an Oklahoma legal case). Nevertheless, popular opinion—largely unaware of the existence of the Ritual Decalogue—appears to favor the Exodus Chapter 20 Protestant version. Illustration 1 shows the monument presented by The Fraternal Order of Eagles of Texas to the State of Texas. It is unclear why the Ritual Decalogue of Exodus Chapter 34 has received as little attention as it has, since it, alone, is identified as the Ten Commandments, and no mention of the Ten Commandments is made in either Exodus 20 or Deuteronomy 5. The Wikipedia article on the Ritual Decalogue (http://en.wikipedia.org/wiki/Ritual_Decalogue) provides additional information. With regard to the display of the Ten Commandments, Michael Coogan comments in his authoritative and very readable book, *The Ten Commandments: A Short History of an Ancient Text* (New Haven: Yale University Press, 2014)[also in a Kindle edition], “If it is to be displayed, I suggest that copies of the full text of all three versions of the Decalogue be posted in classrooms and other venues, to teach readers how the Bible was formed over time, and what that implies for its status as a supreme authority.”

Figure 2.1 (following) is an example of the Ethical Decalogue on a Ten Commandments monument located on the grounds of the Texas State Capitol (behind the capitol building), Austin, Texas (https://commons.wikimedia.org/wiki/File:Ten_Commandments_Monument.jpg)



[Figure 2.1] Ethical Decalogue on a Ten Commandments Monument in Austin, Texas

Chapter 3 – Current Relevance

This chapter addresses the third question posed in **PART I**:
What is the current relevance of the Ten Commandments?

3.1 – Tribal Deity Significance

Hereafter in this essay I will limit myself, mainly, to the Protestant version of the Ethical Decalogue (based on Exodus 20) as listed above. This Decalogue seems to be variously interpreted today as either a summary of the covenant between the henotheistic tribal deity Yahweh (<http://en.wikipedia.org/wiki/Tetragrammaton>) and the people led by Moses, thereby limiting contact or interaction with the gods of other peoples or a statement of commands provided by a monotheistic deity transcending tribes and having a more universal application. The context in which the Decalogue appears in Deuteronomy 5:6 (“I am the LORD thy God, which brought thee out of the land of Egypt, from the house of bondage.”) seems to suggest the tribal deity concept and is reinforced by the first commandment to have no other gods before Yahweh. Micah 4:1-5 seems to support this interpretation. Some of the other gods of concern include Rimmon (2 Kings 5:18); Molech (Leviticus 18:21; Leviticus 20:2-5); Baal (Judges 2:13); Ashtaroth (Judges 2:13); Baal-Zebub or Beelzebub, the god of Ekron (2 Kings 1:2-3); among others. These are not to be confused with alternate names for the Israelite deity, which include Yahweh [expanded from the Tetragrammaton, “YHWH”] (KJV: LORD), Elohim (KJV: God), Adonai (KJV: Lord), El Shaddai (KJV: God Almighty), as well as other less frequent names. The King James Version (KJV) names are case sensitive. (<http://www.gotquestions.org/names-of-God.html>)

Consistent with the concept of a tribal deity is the idea that the Mosaic covenant between Yahweh and the Israelites and, later, the southern Kingdom of Judah provided governing laws. (http://en.wikipedia.org/wiki/Mosaic_covenant) All others are governed under the Noachic covenant, named for descendants of Noah. ([http://en.wikipedia.org/wiki/Covenant_\(biblical\)#Noachic_covenant](http://en.wikipedia.org/wiki/Covenant_(biblical)#Noachic_covenant)) The Wikipedia article on Yahweh describes theories of his evolution from the Mosaic tribal deity to a monotheistic deity of everything following the Babylonian exile. (<http://en.wikipedia.org/wiki/Yahweh>)

3.2 – Ceremonial Deism Significance

It is likely, however, that those advocating public displays of the Ten Commandments would adopt the view that they are not limited in applicability to Moses and his group of followers, but have current relevance to other cultures in the modern world. In the United States the status of the Ten Commandments is suggested by the following comments by Justice Scalia in his dissenting opinion in *McCreary County v. American Civil Liberties Union of Ky*:

Historical practices thus demonstrate that there is a distance between the acknowledgment of a single Creator and the establishment of a religion. The former is, as *Marsh v. Chambers* put it, “a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*, at 792. The three most popular religions in the United States, Christianity, Judaism, and Islam—which combined account for 97.7% of all believers—are monotheistic. See U.S. Dept. of Commerce, Bureau of Census, Statistical Abstract of the United States: 2004–2005, p. 55 (124th ed. 2004) (Table No. 67). All of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life. [...] Publicly honoring the Ten Commandments is thus indistinguishable, insofar as discriminating against other religions is concerned, from publicly honoring God. Both practices are recognized across such a broad and diverse range of the population—from Christians to Muslims—that they cannot be reasonably understood as a government endorsement of a particular religious viewpoint.

(<https://supreme.justia.com/cases/federal/us/545/03-1693/dissent.html>)

[Some internal citations omitted]

Justice Scalia states that publicly honoring The Ten Commandments and publicly honoring God “cannot be reasonably understood as a government endorsement of a particular religious viewpoint.” The range listed from Christian to Islam is obviously limited to theistic religious viewpoints and does not include atheistic, agnostic, pantheistic, ignostic, deistic, nor any of a sizable number of other non-Abrahamic religious viewpoints which are either unknown or of no concern to him (but do concern a substantial minority of United States citizens).

Posted with the McCreary County plaque containing the Ten Commandments was the statement:

The Ten Commandments have profoundly influenced the formation of Western legal thought and the formation of our country. That influence is clearly seen in the Declaration of Independence, which declared that, ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.’ The Ten Commandments provide the moral background of the Declaration of Independence and the foundation of our legal tradition.
(<https://supreme.justia.com/cases/federal/us/545/03-1693/dissent.html>)

Unstated was any indication as to how the Ten Commandments (so referenced), that explicitly limits what gods are permissible and not permissible for worship and how, for religious reasons, one must spend the sabbath, is the foundation of our legal tradition—particularly relative to the Establishment and Free Exercise Clauses of the First Amendment to the U. S. Constitution. In contrast to the view of Justice Scalia, a (possibly unreasonable) person who is a deist, pantheist, pandeist, polydeist, agnostic, or atheist would take exception to the underlying concept of “ceremonial deism” (as Dean Rostow of the Yale Law School theologically inaccurately designated what should have been called ceremonial theism) being applied. (See Justice O’Conner’s endorsement test in her concurring opinion in *Lynch v. Donnelly*; also, S. B. Epstein, “Rethinking the Constitutionality of Ceremonial Deism,” *Columbia Law Review*, 1996, 96, 2083-2174. [<http://www.jstor.org/stable/1123418>]) It is unclear whether or not Justice Scalia considers people of such minority viewpoints as having legal standing or existence. The usefulness of using this kind of religious appeal in public life and institutions seems to lie in its ability to escape the requirements of the Establishment Clause in the U. S. Constitution. Justice Brennan, in his dissenting opinion in *Lynch v. Donnelly* (Justices Marshall, Blackmun, and Stevens concurring) stated,

While I remain uncertain about these questions, I would suggest that such practices as the designation of “In God We Trust” as our national motto, or the references to God contained in the Pledge of Allegiance to the flag can best be understood, in Dean Rostow’s apt phrase, as a form [of] “ceremonial deism,” protected from Establishment Clause scrutiny chiefly because they have lost through rote repetition any significant religious content.

Thus, we have in this intermediary form of religious interpretation of terms a situation in which, as applied to the Ethical Decalogue, one could say they are

not actually a religious declaration and are not rigidly governing other than required by secular law. It might be helpful to note that deism, as it appears in the Oxford English Dictionary is defined as, “The distinctive doctrine or belief of a deist; usually a belief in the existence of a Supreme Being as the source of finite existence, with a rejection of revelation and the supernatural doctrines of Christianity; ‘natural religion’.”

3.2.1 – Other Related Forms of Ceremonial Deism

In the case of ceremonial deism (as Justice Brennan uses the phrase), there may be little or no difference in acceptance between persons of diverse theological viewpoints in everyday practice. Both believers and non-believers may continue to use United States currency inscribed with “IN GOD WE TRUST” without noticing or being aware of its existence (or uppercase lettering). True, it does discriminate against one of the Abrahamic religions by its use of “GOD” instead of “ALLAH” (one may imagine how long the U. S. Congress would spend on an amendment to add “ALLAH” wherever “GOD” appears). A possible reason for the greater acceptance on currency may be that the use of currency with its restrictive religious connotation is passive, *vis-à-vis* religion, in the same way that purchasing an art work, such as *The Last Supper* by Leonardo da Vinci, might have only passive religious meaning to seller and purchaser. This would attenuate, but not preclude, Establishment Clause concerns.

The phrase “under God” in the Pledge of Allegiance is more problematical (since its inception in 1954) because the person reciting the Pledge is actively making a theistic (not deistic, pantheistic, etc.) affirmation of implied belief. A nontheist cannot say the Pledge without, *ipso facto*, falsifying his or her belief system. The suggestion by theists that the nontheist should just say the words anyway may indicate a difference in honesty between theists and nontheists, but does not resolve the problem for the nontheist. In the public arena where the Pledge is customarily given, there is peer pressure to conform and may lead to effective coercion as Justice Kennedy notes in *Lee v. Weisman*. Martha Nussbaum describes the history of and rationale behind the law adding “under God” to the Pledge. (“‘Under God:’ The Pledge, Present and Future”

[<http://www.law.uchicago.edu/alumni/magazine/fall2008/undergod>]) As a consequence of the *West Virginia State Board of Education vs. Barnett* decision in 1943 (before “under God” was added) one could not be compelled to say the Pledge. Inclusion of “under God” in the Pledge discriminates against all nontheistic viewpoints, and its apparent violation of the

Establishment Clause remains in hitherto unadjudicated ceremonial deism Limbo.

This ceremonial deism Limbo status might have been removed in the *Elk Grove Unified School District v. Newdow* case which, however, was reversed on grounds of standing rather than questions surrounding the Establishment Clause. Nevertheless, some portions of a concurring opinion by Chief Justice Rehnquist are of interest:

Notwithstanding the voluntary nature of the School District policy, the Court of Appeals, by a divided vote, held that the policy violates the Establishment Clause of the First Amendment because it “impermissibly coerces a religious act.” *Newdow v. United States Congress*, 328 F. 3d 466, 487 (CA9 2003). To reach this result, the court relied primarily on our decision in *Lee v. Weisman*, 505 U. S. 577 (1992) . That case arose out of a graduation ceremony for a public high school in Providence, Rhode Island. The ceremony was begun with an invocation, and ended with a benediction, given by a local rabbi. The Court held that even though attendance at the ceremony was voluntary, students who objected to the prayers would nonetheless feel coerced to attend and to stand during each prayer. But the Court throughout its opinion referred to the prayer as “an explicit religious exercise,” *id.*, at 598, and “a formal religious exercise,” *id.*, at 589.

As the Court notes in its opinion, “the Pledge of Allegiance evolved as a common public acknowledgment of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles.” *Ante*, at 2.

I do not believe that the phrase “under God” in the Pledge converts its recital into a “religious exercise” of the sort described in *Lee*. Instead, it is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents. The phrase “under God” is in no sense a prayer, nor an endorsement of any religion, but a simple recognition of the fact noted in H. R. Rep. No. 1693, at 2: “From the time of our earliest history our peoples and our institutions have reflected the traditional concept that our Nation was founded on a fundamental belief in God.” Reciting the Pledge, or listening to others recite it, is a patriotic exercise, not a religious one; participants promise fidelity to our flag and our Nation, not to any particular God, faith, or church. (<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

When Justice Rehnquist states, “The phrase ‘under God’ is in no sense a prayer, nor an endorsement of any religion, but a simple recognition of the fact noted in H. R. Rep. No. 1693, at 2: ‘From the time of our earliest history our peoples and our institutions have reflected the traditional concept that our Nation was founded on a fundamental belief in God.’,” he is effectively establishing a preference for monotheism over deism, polytheism, pantheism, humanism, Shintoism, Buddhism, Taoism, Hinduism, etc. This is not simply the application of, to use Justice O’Conner’s phrase in this case, a heckler’s veto. These listed, among others unlisted, are serious religions, all of which are given subordinate status to the (primarily Abrahamic) theistic religions.

Justice O’Conner returns, in *Elk Grove*, to her ceremonial deism theme by elaborating four criteria that may be used to evaluate a possible violation of the Establishment Clause: 1) Its history and ubiquity (with frequent usage over the years being more ceremonial); 2) An absence of worship or prayer; 3) An absence of reference to particular religion (“... no religious acknowledgment could claim to be an instance of ceremonial deism if it explicitly favored one particular religious belief system over another.”); and 4) It should have minimal religious content. Examining these criteria with regard to the Pledge raises problems. The ubiquity noted may be an instance of artificial inflation of numbers resulting from state laws mandating its recitation. A more accurate indication of ubiquity would be the number obtained after all legally mandated recitations were removed from consideration. Monotheism is a religious belief system favored by the Pledge over alternative belief systems, such as polytheism, atheism, agnosticism, pantheism, among numerous others (previously mentioned). From her quoted statement in the previous paragraph, “under God” in the Pledge fails the ceremonial deism test.

For public ceremonial events the saying of a theistic Pledge gives the nontheist the option of either publicly declining participation or being untruthful by participating in the Pledge. The availability of these choices vanishes when “under God” or “so help me God” appears in other, more legally restrictive, circumstances. Another potential candidate for the “Ceremonial Deism” category is this phrase, “so help me God,” which is notably absent from the litanies of examples mentioned by Justices Brennan and O’Conner. It is found at the end of sworn oaths of various types: Oaths of office (except for President of the United States, contrary to the implication by Justice Clark’s opinion for the Court in *Abington School District v. Schempp*), military enlistment, grand and petit jury, trial witness, loyalty, allegiance, and, in one U. S. state (Alabama), voter registration. Jonathan Belcher reveals the unambiguously theistic nature of this phrase by including

its expanded version in Footnote 89 of his 1992 law review article, “Religion-Plus-Speech: The Constitutionality of Juror Oaths and Affirmations Under the First Amendment.” The full version of “so help me God” is given as, “So may God help me at the judgment day if I speak true, but if I speak false, then may He withdraw His help from me.”

(<http://scholarship.law.wm.edu/wmlr/vol34/iss1/13>) This phrase seems to fall outside the legal fiction surrounding ceremonial deism. U. S. federal and state authorities must, therefore, provide a non-religious affirmation alternative upon request (if not explicitly included) as a consequence of the U. S. Constitution, Article VI, and the Free Exercise Clause of the First Amendment as extended to the states through the Fourteenth Amendment.

3.3 – Theonomy Significance

In addition to the tribal deity concept and the ceremonial intermediary form, already mentioned, there is an additional view of the Ethical Decalogue and its meaning, application, and significance. This is the view of theonomy. As stated in the Wikipedia article (Footnote numbers omitted):

Theonomy, from theos (god) and nomos (law) is the idea, espoused by Christian Reconstructionists that Mosaic law should be observed by modern societies. Theonomists reject the traditional Reformed belief that the civil laws of the Mosaic Law are no longer applicable.

Various theonomic authors have stated such goals as “the universal development of Biblical theocratic republics”, exclusion of non-Christians from voting and citizenship, and the application of biblical law by the state. Under such a system of biblical law, homosexual acts, adultery, witchcraft, and blasphemy would be punishable by death. Propagation of idolatry or “false religions” would be illegal and could also be punished by the death penalty.

(<http://en.wikipedia.org/wiki/Theonomy>)

Obviously, ceremonial deism is inapplicable in the interpretation of law from the standpoint of theonomy. Converting the United States into a biblical theocratic republic, thereby making its law truly based on the Bible, would seem to inevitably require a completely new Constitution. As I will indicate in the next section, the implicit views of those advocating placement of monuments listing the Ethical Decalogue are similar to those within the

theonomic movement.

Chapter 4 – Biblical Consequences

This chapter addresses the fourth and last question posed in **PART I**:
What are the biblical consequences of violating particular commandments?

4.1 – Apodictic and Casuistic Laws

Scholars distinguish between biblical apodictic laws which are stated in the form of divine commands (e.g., the Ten Commandments) without a corresponding declaration of penalty for violation and casuistic (or case) laws stating the law along with its corresponding penalty for violation. (See Encyclopedia Britannica: Hebraic law; <https://www.britannica.com>)

4.1.1 – An Example from the Ethical Decalogue

Each of the three sets of Ten Commandments consists of ten apodictic laws, however their interpretation and application depend upon associated corollary casuistic statements of law. For example, the commandment, “Thou shalt not kill,” raises questions as to its generality. Does it prohibit killing plants, or certain animals or certain humans? Who is so restricted? Apparently not the Deity who famously killed nearly all animals on earth, as well as all men, women, and children except for Noah and seven of his relatives because of an admitted design defect in making man (Genesis 6:6-7). People, as a result of both their limited capability and, also, additional casuistic restrictions are permitted to kill other people in some circumstances and not in others.

In order to clarify discussion about permissible and impermissible killing let me introduce, in addition to apodictic laws and casuistic laws, a third category which I will call casuistic application. This can be illustrated by considering the apodictic commandment to not work on the sabbath. In this case, not only is the apodictic command stated in all three sets of Ten Commandments (Exodus 20:8; also, Exodus 34:21, and Deuteronomy 5:12 phrased and justified differently), “Remember the sabbath day, to keep it holy,” but also the casuistic law commandment, “Six days may work be done: but in the seventh is the sabbath of rest, holy to the LORD: whosoever doeth work in the sabbath day, he shall surely be put to death.” (Exodus 31:15). Interestingly, immediately following this (Exodus 31:16-18), we have some

indication of the limited international (and possible tribal) application of this commandment:

Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their generations for a perpetual covenant.

It is a sign between me and the children of Israel for ever: for in six days the LORD made heaven and earth, and on the seventh day he rested, and was refreshed.

And he gave unto Moses, when he had made an end of communing with him on mount Sinai, two tables of testimony, tables of stone, written with the finger of God. (Exodus 31:16-18)

The following statements may reinforce this view:

And Moses gathered all the congregation of the children of Israel together, and said unto them, These are the words which the LORD hath commanded, that ye should do them.

Six days shall work be done, but on the seventh day there shall be to you an holy day, a sabbath of rest to the LORD: whosoever doeth work therein shall be put to death.

Ye shall kindle no fire throughout your habitations upon the sabbath day. (Exodus 35:1-3)

4.1.2 – Casuistic Application

The phrasing of the apodictive and, particularly, casuistic statements of the law is consistent with the view that this commandment, and (possibly) the other nine commandments of the Ethical (and Ritual) Decalogue were part of the covenant between the Israelites and their tribal deity Yahweh. This interpretation may provide some emotional relief to the millions of people in contemporary society who work between Friday and Saturday sundowns (unless they find themselves ruled by a theocratic government which takes these biblical commands seriously and literally). The casuistic application of this commandment is revealed in the following account:

And while the children of Israel were in the wilderness, they found a

man that gathered sticks on the sabbath day.

And they that found him gathering sticks brought him unto Moses and Aaron, and unto all the congregation.

And they put him in ward, because it was not declared what should be done to him.

And the LORD said unto Moses, The man shall be surely put to death: all the congregation shall stone him with stones without the camp.

And all the congregation brought him without the camp, and stoned him with stones, and he died; as the LORD commanded Moses.
(Numbers 15:32-36)

This illustration of the casuistic application of the apodictive law requiring rest and no work on the sabbath and with the requirement of death to violators reveals the unambiguous penalty for its infraction *vis-à-vis* the Israelites (at least). The commandment is not meaningful without an understanding of its consequences. A person in contemporary society who maintains that we should be bound (or ruled) by the Ten Commandments, usually (I suspect) in the unawareness of the presence of three different sets of Ten Commandments, probably intends to have the Ethical Decalogue and its consequences apply as relevant today and not be limited to the covenant between Yahweh and the Israelites.

4.1.3 – Other Commandments and Their Penalties for Violation

What, then, are the full meanings of the remaining nine commandments as opposed to the monument-posting space-restricted statements which many people in the United States consider to be appropriate for posting on public grounds? As a typical example of the degree of acceptance of displays on public grounds, a Gallup poll in 2005 (after U. S. Supreme Court oral arguments, but before a decision) asked the following question of respondents aged 18 and older:

Do you think the Supreme Court should—or should not—allow the Texas state government to display a monument to the Ten Commandments?

Of the 526 American adults responding 76% said “should” and 21% said

“should not.” (<http://www.gallup.com/poll/15817/americans-thou-shalt-remove-ten-commandments.aspx>)

Although not explicitly subscribing to the theocratic (theonomic) dictates implied by the Ten Commandments and their correlated consequences, a clear majority seems to favor a (current or historical) nominal theocracy.

Let us now look at some of the other commandments and their corresponding penalties for violation. With regard to the worship of other gods, we find the following: “He that sacrificeth unto any god, save unto the LORD only, he shall be utterly destroyed.” (Exodus 22:20) And

If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend, which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou, nor thy fathers;

Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth;

Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him:

But thou shalt surely kill him; thine hand shall be first upon him to put him to death, and afterwards the hand of all the people. (Deuteronomy 13:6-9),

and

If there be found among you, within any of thy gates which the LORD thy God giveth thee, man or woman, that hath wrought wickedness in the sight of the LORD thy God, in transgressing his covenant,

And hath gone and served other gods, and worshipped them, either the sun, or moon, or any of the host of heaven, which I have not commanded;

And it be told thee, and thou hast heard of it, and enquired diligently, and, behold, it be true, and the thing certain, that such abomination is wrought in Israel:

Then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. (Deuteronomy 17:2-5)

Honoring one's father and mother was taken very seriously, not only by its inclusion as an apodictic commandment in the Ethical Decalogue, but also in terms of its casuistic application illustrated by the following:

And he that smiteth his father, or his mother, shall be surely put to death. (Exodus 21:15),

and

And he that curseth his father, or his mother, shall surely be put to death. (Exodus 21:17),

and

For every one that curseth his father or his mother shall be surely put to death: he hath cursed his father or his mother; his blood shall be upon him. (Leviticus 20:9)

Even stubbornness has the same consequence:

If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them:

Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place;

And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard.

And all the men of his city shall stone him with stones, that he die: so shalt thou put evil away from among you; and all Israel shall hear, and fear. (Deuteronomy 21:18-21)

The passage of the Stubborn Child law in 1646 by the Massachusetts Bay Colony, and its wording appears as follows:

If a man have a stubborn or rebellious son of sufficient years and understanding (namely, at least sixteen years of age) which will not obey the voice of his Father, or the voice of his Mother, and that when they have chastened him will not harken unto them: then shall his Father and Mother being his natural parents, lay hold on him and bring him to the Magistrates assembled in Court and testify unto them, that their son is stubborn and rebellious and will not obey their voice and chastisement, but lives in sundry notorious crimes; such a son shall be put to death. (<http://www.jstor.org/discover/10.2307/25739276?>)

Subsequent passage of similar laws in Connecticut (1650), Rhode Island (1668), and New Hampshire (1679) indicates the influence of this commandment in a relatively strong way.

The commandment, “Thou shalt not kill,” has so many exceptions that some more recent translations of the Old Testament have changed the last word from kill to murder (based, however, on the etymology of the Hebrew word). We find “He that killeth any man shall surely be put to death.” (Leviticus 24:17; Leviticus 9-34 for murder qualifications). In addition to murder, violators of the commands within the Ethical Decalogue mentioned here, and also violators of numerous other commands not included within the Decalogue require the death penalty. In wars there seems to be a *carte blanche* authorization for killing as indicated by the following:

Of every tribe a thousand, throughout all the tribes of Israel, shall ye send to the war.

So there were delivered out of the thousands of Israel, a thousand of every tribe, twelve thousand armed for war.

And Moses sent them to the war, a thousand of every tribe, them and Phinehas the son of Eleazar the priest, to the war, with the holy instruments, and the trumpets to blow in his hand.

And they warred against the Midianites, as the LORD commanded Moses; and they slew all the males.

And they slew the kings of Midian, beside the rest of them that were

slain; namely, Evi, and Rekem, and Zur, and Hur, and Reba, five kings of Midian: Balaam also the son of Beor they slew with the sword.

And the children of Israel took all the women of Midian captives, and their little ones, and took the spoil of all their cattle, and all their flocks, and all their goods. (Numbers 31:4-9),

and

Now therefore kill every male among the little ones, and kill every woman that hath known man by lying with him.

But all the women children, that have not known a man by lying with him, keep alive for yourselves. (Numbers 31: 17-18)

The preceding quotations are effectively summarized and explained with respect to the covenant between Yahweh and the Israelites as follows:

When the LORD thy God shall bring thee into the land whither thou goest to possess it, and hath cast out many nations before thee, the Hittites, and the Girgashites, and the Amorites, and the Canaanites, and the Perizzites, and the Hivites, and the Jebusites, seven nations greater and mightier than thou;

And when the LORD thy God shall deliver them before thee; thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor shew mercy unto them:

Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son.

For they will turn away thy son from following me, that they may serve other gods: so will the anger of the LORD be kindled against you, and destroy thee suddenly.

But thus shall ye deal with them; ye shall destroy their altars, and break down their images, and cut down their groves, and burn their graven images with fire.

For thou art an holy people unto the LORD thy God: the LORD thy God hath chosen thee to be a special people unto himself, above all

people that are upon the face of the earth.

The LORD did not set his love upon you, nor choose you, because ye were more in number than any people; for ye were the fewest of all people:

But because the LORD loved you, and because he would keep the oath which he had sworn unto your fathers, hath the LORD brought you out with a mighty hand, and redeemed you out of the house of bondmen, from the hand of Pharaoh king of Egypt. (Deuteronomy 7:1-8)

Curiously, a somewhat parallel account of genocide commissioned by Yahweh appears in 1 Samuel 15. Yahweh told Saul, “Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.” (1 Samuel 15:3). As the rest of the chapter indicates, Saul did not comply with the command completely, sparing Kenites, Agag, the king of the Amalekites, and “... the best of the sheep, and of the oxen, and of the fatlings, and the lambs, and all that was good, and would not utterly destroy them: but everything that was vile and refuse, that they destroyed utterly.” (1 Samuel 15:9). Despite the onslaught of Saul’s army of 210,000, some of the Amalekites must have survived, since they encountered David in an invasion later. (1 Samuel 30:1). After being reminded that Saul had not complied with the instructions of Yahweh, Samuel “... hewed Agag in pieces before the LORD in Gilgal.” (1 Samuel 15:33). At the end of the chapter, we read that “... the LORD repented that he had made Saul king over Israel.” (1 Samuel 15:35)

Adultery occurred when, and only when, a man had intercourse with a woman married to someone else. A married man, such as Solomon with his 300 concubines (1 Kings 11:1-3) was not guilty of adultery involving them, nor with any of his 700 wives. A type of polygamy (polygyny) in which a man has more than one wife was tolerated and even accounted for in inheritance law for sons of separate wives (Deuteronomy 21:15-17). Some of the more prominent polygamists of the Old Testament were Moses (Exodus 2:21 and Numbers 12:1), Jacob (Genesis 29:16-35), David (1 Chronicles 3:1-5), and Solomon.

Adultery, as defined above, is similarly harshly penalized:

And the man that committeth adultery with another man’s wife, even he that committeth adultery with his neighbour’s wife, the adulterer and

the adulteress shall surely be put to death.

And the man that lieth with his father's wife hath uncovered his father's nakedness: both of them shall surely be put to death; their blood shall be upon them.

And if a man lie with his daughter in law, both of them shall surely be put to death: they have wrought confusion; their blood shall be upon them. (Leviticus 20:10-12)

Additionally, it might be noted that Jesus, in response to questions from some Pharisees about adultery, replied:

And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery. (Matthew 19:9)

Observing that this is, according to Trinitarians (and as stated in the Nicene Creed [325 CE version]), “very God of very God” speaking, the range of individuals affected by this behavior and consequent death penalty under Mosaic law is expanded.

Stealing and selling a person is subject to the death penalty (Exodus 21:16 and Deuteronomy 24:7). Other instances of stealing (e.g., oxen, etc.) have lesser penalties. Bearing false witness and coveting are not specifically described in terms of appropriate penalties.

PART I – CONCLUSION

In this essay I have limited myself to those actions requiring the death penalty as a result of violation of one or more of certain commandments contained within the Ethical Decalogue. This, by no means, limits the number of infractions for which the penalty of death is imposed. A more extensive listing is provided in Wikipedia.

(http://en.wikipedia.org/wiki/List_of_capital_crimes_in_the_Torah)

I hope that what I have written is biased by some knowledge of what is clearly stated in the King James Version of the Bible (and in other translations as well) in contrast to the statements and advocacies of others (particularly politicians), who may provide, admittedly, a somewhat more unbiased view, but one unbiased by knowledge. This essay provides information, readily available, which must be confronted in order for discussions about the Ten Commandments to be taken seriously.

There is, of course, the possibility that those advocating the display and following of the Ten Commandments may be unaware of the deadly requirements such advocacy implies. It has been noted that religious knowledge generally, and biblical knowledge in particular, may be charitably described as modest. Albert Mohler, in his tenure as President of the Southern Baptist Theological Seminary, described the religious knowledge of Americans as a scandal, based on the Barna Research Group finding (among others he lists) that 60 percent of Americans cannot name five of the Ten Commandments. (<http://www.christianity.com/print/1270946/>)

If you accept the view that 1) the Bible (KJV among others) is literally true and 2) that the Ten Commandments (Ethical Decalogue) must be followed as relevant in their entirety and consequences as unambiguously stated, then you are advocating a theocracy under which people who worship other gods, work on Saturday, strike or curse a parent, commit adultery (even having sexual intercourse with a divorced person to whom one is now married), or kidnapping and selling a person must be killed. As many believers state in describing the Ten Commandments, these are not the ten suggestions—and they are not. Neither are the mandated consequences.

PART II – RELIGIOUS DEMOGRAPHICS AND DISCRIMINATION

Chapter 5 – Religious Demographics

5.1 – Religious Majorities and Minorities in the World

Data for religious adherence to recognized religions are available from several sources. The data for some religions for all countries are listed in the following **Table 5.1**:

[**Table 5.1**] *World Religions by Percentage of Adherents in 2010*. Adapted from <http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/>.

- Christians (Includes Roman Catholic, Orthodox, All Protestant, and others):
31.5%
 - Muslims (Sunni, Shi'i, and others):
23.2%
 - Jews (Orthodox, Conservative, and Reform):
0.2%
 - Unaffiliated (Agnostics, Atheists, other unaffiliated):
16.3%
 - Others (Buddhists, Hindus, Sikhs, Wiccans, Pagans, etc.):
28.8%
-

5.2 – Religious Majorities and Minorities in the United States

Similar data are available for the United States and are given in the following **Table 5.2**:

[**Table 5.2**] *U. S. Religions by Percentage of Adherents in 2007*. Adapted from <http://www.pewforum.org/2008/02/01/u-s-religious-landscape-survey-religious-affiliation/>.

- Christians (Includes Roman Catholic, Orthodox, All Protestant, and

others):

78.4%

- Muslims (Sunni, Shi'i, and others):

0.6%

- Jews (Orthodox, Conservative, and Reform):

1.7%

- Unaffiliated (Agnostics, Atheists, other unaffiliated):

16.1%

- Others (Buddhists, Hindus, Sikhs, Wiccans, Pagans, etc.):

2.4%

In viewing **Tables 5.1–5.2** it is evident that there are differences in proportional distributions of adherents between the United States and the world. The United States is proportionately much more Christian in an actuarial sense with a consequent possibility of more easily dominating everyday life. This possibility may lead to the development of discrimination resulting in in-group favoritism for the Christian absolute majority and out-group bias directed against those of minority status. Counteracting the effects of this is the U. S Constitution with its church-state separation requirements.

Chapter 6 – Discrimination and Psychological Distance

6.1 – Development of Discrimination and Consequences

6.1.1 – Blue Eyes-Brown Eyes (Ingroup vs. Outgroup)

Discrimination is the responding differently by an individual or group to different stimuli. When stimulus differences are large discrimination is more easily accomplished. As the difference between stimuli diminishes, it becomes more difficult to reliably discriminate between them. When there are large differences in physical stimulus characteristics between groups of people, such as skin color, discrimination is easy and consequent favoritism, or negative bias, may occur.

Seemingly innocuous stimuli can lead to very apparent discrimination. The Blue Eyes-Brown Eyes demonstration by the third-grade teacher Jane Elliott (http://en.wikipedia.org/wiki/Jane_Elliott) suggests that separating children on the basis of eye color and treating one group favorably and the other group unfavorably quickly resulted in dominant antagonism between individuals of the favored group directed against those having the alternate eye color. Specifically, blue-eyed children were identified as smarter and better than brown-eyed children; they received five more minutes of recess; they were to go to lunch ahead of the brown-eyed children; they could have seconds at lunch; and they could use the water fountain while brown-eyed children were required to use cups. Brown-eyed children were required to wear a collar so that they could be identified at a distance. Brown-eyed children were not to play with blue-eyed children on the playground. All of this occurred on the first day, during which a gradual assumption of dominant (for blue-eyed children) and submissive (for brown-eyed children) roles developed. On the second day brown-eyed children became dominant and all of the changes were reversed with a resulting reversal in role behaviors.

6.2 – Psychological Distance

By introducing eye color as a basis for discrimination, Elliott took a group of

children and generated what might be termed an in-group (blue eyes) vs. an out-group (brown eyes) distinction. Psychological distance is a concept used by many in a variety of ways to indicate spatial, cognitive, emotional, or other separation between two (or more) individuals or groups. As a metric it exists (usually at best) on an ordinal scale (in which one can identify one component as greater than or less than but not the magnitude of the difference) and may have in many cases only nominal scale properties (in which one names different components but cannot determine order or difference magnitude). I will use the concept of psychological distance here, loosely, as if it can be considered to have ordinal scale properties. This is done in order to carry out some of the following thought experiments.

Elliott started with a separation of a slightly heterogeneous group of third-grade school children into two separate groups, each being less heterogeneous (i.e., more homogeneous) because of eye color. By vocally praising and providing rewards to members of one group (blue eyes) and disparaging and punishing members of the other group (brown eyes), she was able to generate mutual animosity between the two groups within a day, with the blue-eyed children adopting a dominant role and the brown-eyed children a submissive role. From the preceding paragraph, we might say that the psychological distance between blue-eyed children and brown-eyed children increased with the separation into two groups. By requiring the brown-eyed children to wear a collar in order that they could be identified more clearly at a distance, the psychological distance was further increased.

6.2.1 – Discrimination and Psychological Distance in Nazi Germany

Another illustration of the development of psychological distance between a dominant majority and a somewhat identifiable minority occurred in Germany prior to World War II with the arrival to power of the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP) under the leadership of Adolf Hitler in 1933. A succession of directives and laws became instituted which impacted negatively on the members of the Jewish minority in Germany (and, later, occupied lands). During the decade following the start of 1933, the following events occurred, among others, as excerpted from the Deutsches Historisches Museum website:

1. Systematic boycotts by other Germans of Jewish businesses, physicians, and lawyers occurred. (1933)

2. Burning of books written by opposition and Jewish authors; university libraries were “cleansed.” (1933)
3. Germany’s civil registrar’s offices were forbidden to conclude marriages between Jews and non-Jews. (1935)
4. Sales of periodicals for Jews were forbidden. (1935)
5. Nuremberg laws (Nürnberg Gesetze) eliminated German citizenship for Jews and outlawed intermarriage between Jews and those of German blood. (1935)
6. Health certificates from Jewish physicians were officially invalid. (1936)
7. Street benches in Berlin were installed “Only for Aryans.” (1937)
8. All Jewish physicians lost their licenses as certified physicians. (1938)
9. Jewish passports were stamped with a large “J.” (1938)
10. Kristallnacht (Reichskristallnacht) was a major pogrom of destruction and murder by members of the Sturmabteilung (SA) and Schutzstaffel (SS) against Jews in all of Germany with over 25,000 deported to concentration camps and countless synagogues, cemeteries, and Jewish businesses destroyed. (1938)
11. Jews, over the age of six, were required to wear a yellow star of David (or white badge) containing the word “Jude” (or local language equivalent) in all of Germany and occupied lands. (1941)
12. Jewish emigration from the German Reich became forbidden. (1941)
13. Jews were prohibited from using public telephones. (1941)
14. Jews in the German Reich were prohibited from using public transportation. (1942)
15. Although many Jews were murdered in other ways prior to this, the first mass gassing of 1,500 Jews occurred at Auschwitz-Birkenau. (1942)

(<http://www.dhm.de/lemo/jahreschronik/>)

Over the course of the decade, this sampling of requirements reveals a progressive and cumulative separation in distance (and punishment severity) between the majority German population and minority Jewish population. As is now generally known, the tragic consequences of this evolved into the Holocaust.

6.2.2 – The Milgram Experiments

Stanley Milgram, a social psychologist at Yale University, was (as many others have been) perplexed by how seemingly normal, civilized, and cultivated people could do some of the things that were reliably reported to have occurred in Nazi Germany. He proceeded to investigate this experimentally in a series of investigations that became famous (and infamous) as the Milgram experiments in obedience. Although Wikipedia provides a good summary

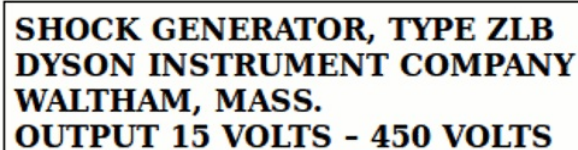
(https://en.wikipedia.org/wiki/Milgram_experiment), the following description of, and details about, his initial experiment with 40 subjects is from his book, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974). Much, but not all, of what follows is available in the Wikipedia article and many other sources on the Internet.

For the basic (initial) experiment, 40 male adults (aged 20 to 50) who were not high school or college students were recruited from the New Haven (Connecticut) community through an announcement in the local newspaper to participate in an investigation for a “study of memory.” As each subject arrived at his appointed time, he was paid \$4.50 and, then, given a short lecture about what little was known about the effect of punishment on memory. A second subject, who was a 40-year-old accountant and member of the experimental team (the accomplice), arrived, and the experiment started. A “rigged” election was done to decide which of the two would become the “teacher” (the “punishing shock” deliverer) and which would be the “learner” (the recipient of administered shocks). The “election” was designed so that the accomplice always became the learner. As explained to both, the purpose of the experiment was to find out what influence punishment had on learning and memory.

The teacher is, then, told that he is to deliver one word of a list of paired associate words (the list having previously been learned by the learner) to the learner located, during the testing phase of the experiment, in a room

separated from the room containing the teacher and experimenter. For each word on the list the learner is to respond to one of four alternative answers indicating his recall of the correct paired associate word by operating one of four switches, which turned on one of four numbered lamp quadrants on a box on top of the shock machine in front of the teacher. Each experimental session, therefore, involved three people: the experimenter and teacher in one room and the learner in a separate room.

In addition to the personnel there was a prominent (and almost intimidating) shock box, consisting (on the front panel) of a row of 30 lever switches, with each switch located below a lamp. Under the lever switches were numbers indicating voltages in 15-Volt increments (from left to right) starting with 15 Volts and ending with 450 Volts. Additionally, groups of switches were successively labeled (from left to right) as “SLIGHT SHOCK,” “MODERATE SHOCK,” “STRONG SHOCK,” “VERY STRONG SHOCK,” “INTENSE SHOCK,” “EXTREME INTENSITY SHOCK,” “DANGER: SEVERE SHOCK,” and the last two switches were given the label, “X X X.” Above the lamps (which came on when a lever switch was operated) were some additional “controls” and a panel meter indicating Voltage (0-500). At the top left of the unit was a label engraved by “precision industrial engravers” reading as follows in **Figure 6.1**:



SHOCK GENERATOR, TYPE ZLB
DYSON INSTRUMENT COMPANY
WALTHAM, MASS.
OUTPUT 15 VOLTS - 450 VOLTS

[Figure 6.1] *Information as Displayed on the Milgram "Shock Generator" Label*

An Internet image search of the Milgram shock machine will provide numerous photographs of the device. During the experiment operation of a switch resulted in the lamp above it briefly turning on, a buzzing sound, a blue light labeled “Voltage Energizer” flashing, and the panel meter needle swinging to the right. At the start of each experimental session with a new subject (teacher), he was administered a sample 45-Volt shock on the wrist from a battery included within the generator. This was the only actual shock given to anyone during the experiment. The “Shock Generator” was designed to provide a semblance of a real, functioning, shocking device—and only that. Post-experimental debriefing indicated that it was apparently completely effective in this electrical masquerade.

The teacher (following a practice run) was instructed to administer words and, for each response that was incorrect, deliver a shock to the learner, who was securely strapped into a chair (“to prevent excessive movement”) with an arm attached with electrode paste (“to avoid blisters and burns”) to an electrode. Each successive response error by the learner was to be punished by the next shock level. The learner’s response protocol was programmed to make a sufficient number of errors so that, if the teacher followed instructions, all of the shock levels (including 450-Volts) would necessarily be administered.

Milgram’s fundamental interest was in the number of shocks teachers would administer, given these constraints plus some that developed during the experimental session. At the 300-Volt level, in addition to the incorrect answer, the learner pounded on the wall in response to the “shock” in a way that could be heard by the teacher. Following this trial no more answers were given. When queried the experimenter calmly stated that a non-response (after a 5-10 second delay) was to be considered an incorrect response. Following the 315-Volt shock no pounding and no answers occurred (i.e., there was no response at all).

If a teacher stopped delivering shocks following an incorrect answer, there were specified “Prods” delivered by the experimenter to encourage continuation. These were arranged in the following operational sequence:

- Prod 1: Please continue, or, Please go on.
- Prod 2: The experiment requires that you continue.
- Prod 3: It is absolutely essential that you continue.
- Prod 4: You have no other choice, you must go on.

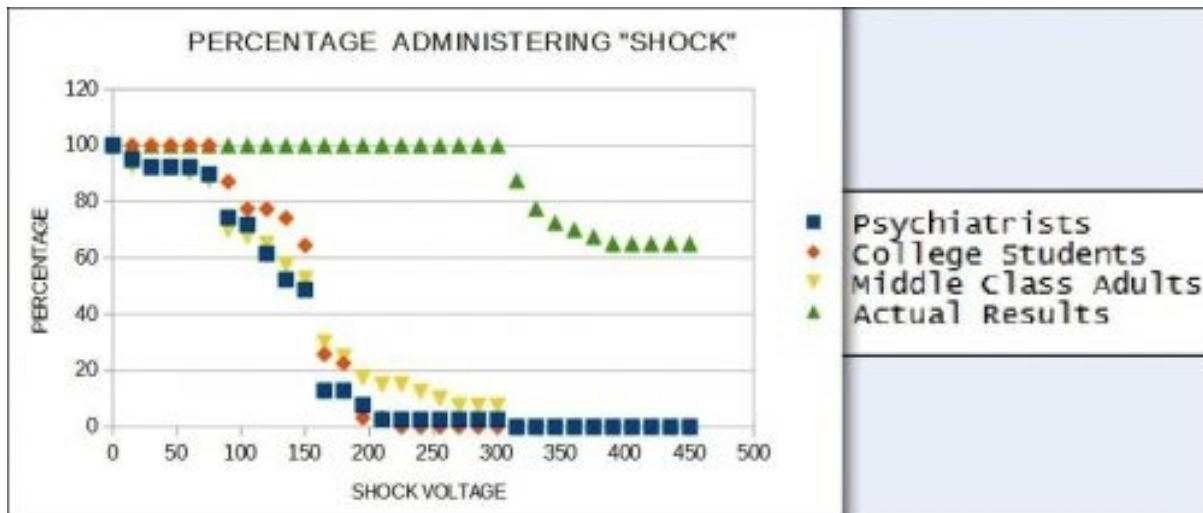
If there was refusal by the subject to continue after Prod 4, the experiment was terminated, and debriefing followed.

How many would continue to 450 Volts? Alternatively, how would teachers respond under the circumstances described above for the initial experiment? Milgram gave lectures to various groups of individuals on the topic of obedience to authority and used the lecture occasion to provide information about expectations regarding the likely results. Specifically:

The experiment is described in detail without, however, disclosing the results in any way. The audience is provided with a schematic diagram of the shock generator, showing verbal and voltage designations. Each respondent is asked to reflect on the experiment, then privately to record how he himself would perform in it. Predictions were made by

three groups: psychiatrists, college students, and an audience of middle-class adults of various occupations. (S. Milgram: *Obedience to Authority*, pp. 27 f.).

Results of predictions (as presented in Table 1 in *Obedience to Authority*, p. 29) are combined and presented in my following **Graph 6.1**:



[[Graph 6.1](#)] *Predicted and Actual Percentage Administering Shock*. A graphic indication of the difference between predicted experimental results by three groups of people and actual findings in the initial investigation. The panel at the right shows the graphic symbol for psychiatrists (N = 39), College Students (N = 31), Middle-class Adults (N = 40), and Actual Results (N = 40). [Data are from Table 1 in *Obedience to Authority*, p. 29]

Graph 6.1 shows clearly at least two things. It reveals the similarity in predicted experimental results for three populations of individuals self describing how they perceive what they would do given the experimental circumstances, and it shows a dramatic difference between predicted and actual results. This difference may be a manifestation of a phenomenon called by social psychologists the fundamental attribution error (FAE). This error consists of the overestimation of the perceived role (or influence) of dispositional (internal) characteristics of the individual and an underestimation of situational (external) factors. Usually, the FAE applies to the accounting for the behavior of other people, but, in this case, it would account for the future behavior of a person himself prior to the confluence of situational factors described in the narrative.

The experiment described (and labeled the Remote Feedback condition) was the first in a series of systematic replications (repeated versions of the initial

experiment, but with one or more described variations in procedure). In later experiments Milgram successively arranged for Voice Feedback (same as Remote Feedback, but with vocal protests), then positioned the learner in the same room (Proximity) with a 1.5-foot separation, and a fourth condition (Touch-Proximity), which was the same as Proximity but with the teacher being required to force the learner's hand down on a shock plate (if the learner did not voluntarily do so). From Table 2 (*Obedience to Authority*, p. 35) we see the following percentages given for the corresponding conditions as shown in the following **Table 6.1**:

Experimental Condition	N	Percent Administering 450-Volt Shock
Remote	40	65.0 %
Voice-Feedback	40	62.5 %
Proximity	40	40.0 %
Touch-Proximity	40	30.0 %

[[Table 6.1](#)] *Percentage Delivering 450-Volt Shock Under Different Experimental Conditions*

Using our ordinal scale and loosely defined concept of psychological distance, we may suppose that the order representing varying degrees of monotonically decreasing psychological distance with a corresponding monotonically declining magnitude of apparent shock severity being applied can be represented in the following **Figure 6.2**:

Remote > Voice-Feedback > Proximity > Touch-Feedback
(Maximum---Psychological Distance---Minimum)

[[Figure 6.2](#)] *Psychological Distance Related to Perceived Distance between Shock Source and Recipient*

Elliott used a monotonically increasing psychological distance from blue-eyes sequence to generate a psychological distance separation between groups but without a standard quantitative measure of consequences (she provided examples of anecdotes indicating reactions of the Brown-Eyed children). The

distance between blue-eyes and brown-eyes is interpreted as less than that for blue-eyes and collar-wearing children as shown in the following **Figure 6.3**:

Blue-Eyes < Brown-Eyes < Collar-Wearing (Minimum--Psychological Distance--Maximum)

[[Figure 6.3](#)] *Psychological Distance and External Appearance*

When looking at the successive requirements imposed on the Jewish minority in Germany from 1933-1942, it appears (given their cumulative effect) each new requirement increased the psychological distance (on average) between the German majority and Jewish minority. Again, there is no standard measure of the consequences, although it is obvious that anecdotal instances over the decade would reveal increasingly severe treatment of the Jews.

6.2.3 – The Stockholm and Lima Syndromes

The Stockholm syndrome (or capture-bonding syndrome) is a name given to the somewhat unexpected behavior in hostage situations in which the hostages (singly or collectively) adopt some or all of the attitudes or goals of their captors. They may oppose or refuse rescue, decline participation in prosecution, and actually support their captors after the hostage event is over. The hostage may identify or sympathize with his or her captor. The Lima syndrome is the reverse (opposite) situation in which the captor identifies or sympathizes with the hostage.

The Stockholm syndrome derives its name from a prolonged (1973) bank robbery in Stockholm, Sweden in which four hostages shared a bank vault with two captors for almost six days. During this period small acts of kindness by the captors directed toward the hostages and fear of what the police might do resulted in the hostages being critical of the police during the event. Subsequently, the hostages aided the legal defense of the captors. Analysis of this occurrence, and a few other similar hostage situations, indicates that, for the Stockholm syndrome to develop, several component circumstances seem to be required: these include extensive interaction between hostage(s) and captor(s) in a non-abusive and non threatening way, and the passage of time during which this interaction can occur.

The Lima syndrome is the opposite of the Stockholm in that, instead of the hostages modifying their attitudes towards captors, the captors become more

mellow in attitudes and treatment of hostages. The name derives from an abduction (in 1996) by members of the *Túpac Amaro* Revolutionary Movement of hundreds of people attending a party at the Japanese Embassy in Lima, Peru. Most of the hostages were released within a few hours (reportedly for compassionate reasons), but some remained hostage for four months.

Both Stockholm and Lima syndromes may not occur as frequently as popular literature (and movies) may indicate. G. Dwayne Fuselier, a psychologist with the FBI specializing in hostage situations, reveals that a search of the FBI database indicates only about 8 percent of hostages show signs of the Stockholm syndrome.

(http://www.au.af.mil/au/awc/awcgate/fbi/stockholm_syndrome.pdf) The Lima syndrome seems to be mentioned less in popular literature. In either case, it seems that hostage survival is related to minimizing the captor-hostage psychological distance through getting acquainted with the captor and gaining appreciation of the captor's attitudes and interests, which requires time to develop. A short-duration hostage situation precludes the reduction of psychological distance and may, consequently, end violently.

Chapter 7 – Cognitive Dissonance

7.1 – Cognitive Dissonance and Psychological Distance

A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.

—Ralph Waldo Emerson

With or without religion, good people can behave well and bad people can do evil; but for good people to do evil—that takes religion.

—Steven Weinberg

Where ignorance is bliss, 'tis folly to be wise.

—Thomas Gray

The quotations listed above suggest several features of cognitive dissonance. At times one may be unable to achieve complete consistency among one's attitudes and memories of the past. In addition to selectively forgetting unpleasant memories, Emerson seems to indicate that one directly confront such inconsistencies and not excessively worry about the dissonance. In the case of Christians who kill apostates or heretics or Islamists who similarly kill apostates or heretics, the killing is done in the belief (by the killer) that it is religiously justified, thereby reducing dissonance that may occur because of the action. At times, cognitive dissonance may be prevented from developing as in the possible artificial ignorance of residents near Nazi extermination camps, who denied knowledge of events happening there.

A common factor in the Elliott (Blue Eyes-Brown Eyes) demonstration, Nazi Germany's succession of requirements, Milgram's obedience studies, and the Stockholm and Lima syndrome consequences seems to be a varying degree of psychological distance between dominant and non-dominant individuals. This psychological-distance variation seems to occur somewhat automatically and (although not evident in Elliott's demonstration) seems to be related to the protection of the non-dominant individual or group. Increasing the psychological distance is associated with undesirable consequences for the non-dominant (or hostage) individuals, and decreasing the psychological distance is associated with the opposite (protective) effect. The theory of cognitive dissonance may provide a rationale for this apparent phenomenon.

(http://en.wikipedia.org/wiki/Cognitive_dissonance)

As an example of the application of cognitive dissonance theory, consider the case of an person filing an income tax return in which some taxable income is intentionally omitted in order to reduce the amount of owed tax. This person has a self-perception of being morally honest, but the immediate awareness of this dishonesty generates an unpleasant cognitive tension. The person may think of various ways to account for the inconsistent cognitions in order to reduce the dissonance. He or she may think, "Everybody does it, so why not me." Or "I overpaid last year, so it averages out." By means of "creative finance calculations" (or sloppiness) one may forget to include the income. The person may ultimately decide to go ahead and include the unreported income. Except for primary psychopaths (who may not experience dissonance at all), these responses represent various ways of reducing dissonance with its consequent reinforcing (rewarding) effects.

People may have social, religious, or political beliefs that, upon reflection, may generate cognitive dissonance because they reveal inconsistent beliefs. It, then, becomes a task to reduce the dissonance which may have increasingly become unpleasant. Several means are used to accomplish the reduction:

1. One may consider the perceived inconsistency to be a consequence of misperception of one of the beliefs.
2. The significance of the conflict may be reconsidered with its apparent importance reduced in magnitude.
3. One may actively or passively ignore one of the beliefs.
4. Rejection of one (or more) dissonant beliefs may reduce or eliminate tension.
5. A dissonance-generating behavior may be rationalized by saying or thinking that one is only following orders with a consequent reduction in perceived responsibility. The order may originate from some governmental or religious authority.

7.1.1 – When Prophecy Fails

A classic study of cognitive dissonance was described by Leon Festinger, Henry W. Riecken, and Stanley Schachter in their book, *When Prophecy Fails*

(London: Pinter & Martin, 2008). The prophecy alluded to was that a catastrophic flood would occur on December 21 according to members of a group of believers. Escape from this flood would be provided through transportation by flying saucers, which would arrive immediately before the catastrophe. As it turned out, neither the arrival of flying saucers nor the flood catastrophe occurred. Festinger, et al., and their “observers” had infiltrated the group for months prior to (and after) December 21 and observed the progress of beliefs before the scheduled catastrophe and after its non-occurrence. Contrary to expectations, some refused to abandon their fundamental belief in the imminence of the anticipated catastrophe and rescue. They were confronted with, on the one hand, a strong belief that the flood would occur and from which they would escape via flying saucers and, on the other hand, neither the flood nor flying saucers materialized. This produced, as theorized by Festinger and his colleagues, an unpleasant state of cognitive dissonance. Various methods of dissonance reduction were employed by members of the group. These included changing their belief about the exact date of occurrence, suggesting that other events elsewhere (e.g., earthquakes) were, nevertheless, indications of the truth of their belief system, and elimination of one or more of their original beliefs. Although some (particularly those who were geographically separated from other believers) lost their belief in the predicted catastrophe, others did not. Some of the dissonance reduction changes were tentative, only to be exchanged for others as time passed.

7.1.2 – New Testament Eschatology (or When Biblical Prophecy Fails)

There seems to be an interesting biblical parallel to this account described above, but in the New Testament. The waiting, watching, and preparing for the end of the world has a similar (in its apocalypticism) set of circumstances (but without a flood) in the New Testament synoptic apocalypse (Matthew 24, Mark 13, Luke 21) in which Jesus as the “Son of man” (Matthew 16:13) describes events surrounding his imminent return (Second Coming or Parousia). The Son of man (a phrase occurring 83 times in the canonical New Testament, mostly in the synoptic gospels) has the power to forgive sins (Matthew 9:6; Mark 2:10; Luke 5:24), is the Lord of the sabbath day (Matthew 12:8; Mark 2:28; Luke 6:5), will come “in the clouds of heaven with power and great glory” (Matthew 24:30; Mark 13:26; Cf. Daniel 7:13), and “the sun shall be darkened, and the moon shall not give her light, [a]nd the stars of heaven shall fall” (Mark 13:24-25). Although there is an upper limit to the duration by the end of which these (and other) events will occur, the precise time is unknown (Matthew 25:13; Mark 13:32; Luke 12:40).

The upper limit is indicated in the following statements reportedly made by Jesus:

But when they persecute you in this city, flee ye into another: for verily I say unto you, Ye shall not have gone over the cities of Israel, till the Son of man be come. (Matthew 10:23)

Verily I say unto you, There be some standing here, which shall not taste of death, till they see the Son of man coming in his kingdom. (Matthew 16:28)

Verily I say unto you, that this generation shall not pass, till all these things be done. (Mark 13:30; Cf. Luke 21:32)

But I tell you of a truth, there be some standing here, which shall not taste of death, till they see the kingdom of God. (Luke 9:27)

These events were predicted to occur by Jesus, and they evidently did not. The nonoccurrence presumably generated a certain amount of cognitive dissonance on the part of the early followers of Jesus and those in the churches later. According to cognitive dissonance theory, this would result in unpleasant dissonance needing reduction. Some of the ways this reduction is achieved are the following:

1. The Apostles got it wrong and taught their version.
2. Jesus actively misled his followers.
3. “Generations” meant a much longer time span.
4. This “generation” means the Jewish race.
5. All these things refers only to the events surrounding the siege of Jerusalem in AD 70 (70 CE).
6. These were instances of the parabolic discourse frequently used by Jesus with varying degrees of interpretable transparency.
7. The meaning of the Greek Parousia is given as presence—not the Second Coming.
8. The Second Coming has already occurred but was not noticed. (part

of the doctrine of full preterism
[<http://en.wikipedia.org/wiki/Preterism>])

9. Jesus believed that he would return, as literally described, soon after his death—but was incorrect.

This list is not exhaustive, but each item serves to reduce dissonance in its own way (while, possibly, increasing it for other reasons). One additional way of eliminating (not simply reducing) dissonance is through non-awareness (or ignorance) of the biblical text. The ninth example is the view of New Testament eschatology advanced by Albert Schweitzer in *The Quest for the Historical Jesus*. (<https://archive.org/details/questofhistorica00schwrich>) In his *Quest* Schweitzer describes historical treatments of “Lives of Jesus” presented by 18th and 19th century scholars and concluded that each author seemed to interpret Jesus in ways characteristic of the attitudes and personality of that author, rather than in terms of the Jewish age surrounding Jesus and his probable environmental development. Admittedly, the details of the life of Jesus are very limited (even supposing the validity of what there is), a circumstance which contributes to the likelihood of a succession of what might be called historical Rorschach responses.

7.2 – Cognitive Dissonance and the Battlefield

Because warfare involves the killing of people by other people, there are situations in which ethical concerns arise. When an action by one combatant raises great ethical concerns, it is likely that cognitive dissonance may occur. One such situation arises when an action results in the killing of non-combatants, particularly infants and children. Dissonance arises when there is a discrepancy between the moral/ethical code of the combatant and what the combatant does. The Old Testament avoided this discrepancy unambiguously.

Infanticide was explicitly commanded by Yahweh in 1 Samuel 15:3 (already mentioned) but, also, is included in Numbers 31:17-18 (also previously mentioned); Deuteronomy 2:34; and Deuteronomy 3:6. It is implied in passages that include “... thou shalt save alive nothing that breatheth,” such as in the following:

But of the cities of these people, which the LORD thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth:

But thou shalt utterly destroy them; namely, the Hittites, and the

Amorites, the Canaanites, and the Perizzites, the Hivites, and the Jebusites; as the LORD thy God hath commanded thee:

That they teach you not to do after all their abominations, which they have done unto their gods; so should ye sin against the LORD your God. (Deuteronomy 20:16-18)

Although infanticide has a long history, in the past it, as a reality, has been inescapably noticed in direct hand-to-hand combat. The bombing pilots who dropped bombs over London, Dresden, or Hiroshima had the circumstance of a greater psychological distance with its absence of awareness thereby reducing the dissonance they might otherwise experience. The same concern applies with the modern use of drones, although collateral damage is likely to be reduced. If the person killing does not see or hear (or have any other sensory contact with) the person(s) being killed, then the absence of awareness (or ignorance) increases the reduction of dissonance. This, theoretically, is related to the increased psychological distance between killer and the person(s) being killed. Theoretically, what might be termed battlefield induced psychopathy might contribute to an increased psychological distance in circumstances exemplified by My Lai, Serbians in Bosnia, or in commanded atrocities by Nazis in Lidice (among many others).

Chapter 8 – Cognitive Dissonance and Church-State Conflict

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. [Article VI Paragraph 3 of the U. S. Constitution]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
[Amendment I of the Bill of Rights of the U. S. Constitution]

Several areas of probable cognitive dissonance among U. S. Supreme Court justices appear to occur involving church-state (or religion-state) relationships. These have frequently revolved around the Pledge of Allegiance (as modified in 1954), the new (since 1956) official motto of the United States, “In God We Trust,” the Ten Commandments, and, to a lesser extent (but not at all eliminated) the phrase “so help me God,” which is still present in oaths of all kinds despite the unanimous decision in *Torcaso v. Watkins*, which should make its use moot (or illegal) for oaths of office.

8.1 – The Pledge of Allegiance

The original version of the Pledge was constructed by Francis Bellamy in 1892 and reads:

I pledge allegiance to my Flag and the republic for which it stands, one nation indivisible, with liberty and justice for all.
(https://en.wikipedia.org/wiki/Pledge_of_Allegiance)

The Pledge has been successively modified with the version from 1924 to

1954 (adopted by Congress in 1942) reading:

I pledge allegiance to the Flag of the United States of America and to the republic for which it stands; one Nation indivisible with liberty and justice for all. (https://en.wikipedia.org/wiki/Pledge_of_Allegiance)

Two words were added to the Pledge in 1954 and these words, “under God,” have generated a fair amount of cognitive dissonance. The current phrasing, since 1954, of the Pledge is as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.
(https://en.wikipedia.org/wiki/Pledge_of_Allegiance)

The dissonance arises because of the changed meaning of the Pledge after addition of “under God” and the question of whether or not this addition violates the Establishment Clause of the U. S. Constitution. The question has been raised, most notably by Michael A. Newdow (*Elk Grove Unified School District, et al. v. Newdow* [EGUSD]) before the Ninth Circuit Court of Appeals.

Newdow is a physician, lawyer, atheist, and father (at the time) of an elementary school child enrolled in the Elk Grove United School District. Sandra Banning (the child's mother) had “... sole legal custody as to the rights and responsibilities to make decisions relating to the health, education and welfare of her daughter.”

(<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>) Newdow objected to the established practice of reciting the Pledge of Allegiance each day in the classroom even though participation was optional (as a consequence of *West Virginia State Board of Education v. Barnette*). The District Court (to which he brought the case) ruled that Newdow had standing and that the Pledge was constitutional; this led to an appeal to a three judge panel of the Ninth Circuit Court of Appeals. Writing for a 2-to-1 majority Judge Alfred T. Goodwin reversed the District Court ruling and, by applying the Lemon Test (see *Lemon v. Kurtzman*), Endorsement Test (see *Lynch v. Donnelly*), and the Coercion Test (see *County of Allegheny v. ACLU* and *Lee v. Weisman*), found the phrase “under God” an unconstitutional establishment of the religion of monotheism. As A. T. Goodwin states in his majority opinion:

In the context of the Pledge, the statement that the United States is a nation “under God” is an endorsement of religion. It is a profession of a religious belief, namely, a belief in monotheism. The recitation that ours is a nation “under God” is not a mere acknowledgment that many Americans believe in a deity. Nor is it merely descriptive of the undeniable historical significance of religion in the founding of the Republic. Rather, the phrase “one nation under God” in the context of the Pledge is normative. To recite the Pledge is not to describe the United States; instead, it is to swear allegiance to the values for which the flag stands: unity, indivisibility, liberty, justice, and—since 1954—monotheism. The text of the official Pledge, codified in federal law, impermissibly takes a position with respect to the purely religious question of the existence and identity of God. A profession that we are a nation “under God” is identical, for Establishment Clause purposes, to a profession that we are a nation “under Jesus,” a nation “under Vishnu,” a nation “under Zeus,” or a nation “under no god,” because none of these professions can be neutral with respect to religion. “[T]he government must pursue a course of complete neutrality toward religion.” *Wallace*, 472 U.S. at 60. Furthermore, the school district’s practice of teacher-led recitation of the Pledge aims to inculcate in students a respect for the ideals set forth in the Pledge, and thus amounts to state endorsement of these ideals. Although students cannot be forced to participate in recitation of the Pledge, the school district is nonetheless conveying a message of state endorsement of a religious belief when it requires public school teachers to recite, and lead the recitation of, the current form of the Pledge.

(http://www.constitution.org/usfc/9/newdow_v_us.htm)

The concern that “under God” established a religion of monotheism (as decided by the panel majority) would necessitate terminating the public use of the Pledge generated a fair amount of cognitive dissonance. One (unsuccessful) method of dissonance reduction was the attempt by Judge Fernandez in his dissenting opinion to consider the use of “under God” to be a *de minimis* violation of the Establishment Clause and, therefore, not unconstitutional. Some (referring to James Madison) suggest that this is effectively establishment by increments.

Following a denial for both an *en banc* hearing and appeal by the Ninth Circuit Court of Appeals, the case was appealed to the U. S. Supreme Court. In a 5-to-3 decision (Justice Scalia had recused himself because of prior public comments he had made about the case), the Court ruled that *Newdow* failed to have standing. Consequently, there was no need to rule on the

constitutional merits of the case.

Although the five-vote majority did not rule on the merits of the case, Chief Justice Rehnquist wrote a concurring opinion in which he addressed the constitutional merits of the case with Justice O'Conner concurring. In his opinion Rehnquist states, "On the merits I conclude that the Elk Grove Unified School District (School District) policy that requires teachers to lead willing students in reciting the Pledge of Allegiance which includes the words 'under God' does not violate the Establishment Clause of the First Amendment." In his opinion Rehnquist mentions the use of "God" historically by President Washington (oath of office—So help me God; Thanksgiving proclamation—"... many significant favors of Almighty God"; "Whereas it is the duty of all Nations to acknowledge the problems of Almighty God, to obey His will, to be grateful for his benefits, and humbly to implore his protection and favor"); President Lincoln (Gettysburg Address—"Under God" and in his second inaugural address—"... with firmness in the right as God gives us to see the right,"); President Wilson requesting a declaration of war against Germany ("God helping her [America], she can do no other."); President Roosevelt concluding his first inaugural address ("In the dedication of a nation, we humbly ask the blessing of God. May He protect each and every one of us! May He guide me in the days to come!"); and President Eisenhower on D-Day ("Good luck! And let us beseech the blessings of Almighty God upon this great and noble undertaking."). (<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

Justice Rehnquist points out, additionally, that "God" appears in other historical contexts: "In God We Trust," which became the official U. S. motto in 1956 (replacing the generally assumed motto *E Pluribus Unum* that has been present since 1776 and is still officially present in the Great Seal of the United States, as well as on coins and paper bills.); and in the Court Marshal's proclamation, "God save the United States and this honorable Court." (<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

In summary Rehnquist says:

I do not believe that the phrase "under God" in the Pledge converts its recital into a "religious exercise" of the sort described in *Lee*. Instead, it is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents. The phrase "under God" is in no sense a prayer, nor an endorsement of any religion, but a simple recognition of the fact noted in H. R. Rep. No. 1693, at 2: "From the time of our earliest history our peoples and our institutions have

reflected the traditional concept that our Nation was founded on a fundamental belief in God.” Reciting the Pledge, or listening to others recite it, is a patriotic exercise, not a religious one; participants promise fidelity to our flag and our Nation, not to any particular God, faith, or church.

The recital, in a patriotic ceremony pledging allegiance to the flag and to the Nation, of the descriptive phrase “under God” cannot possibly lead to the establishment of a religion, or anything like it.

(<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

Although Justice Thomas seems to be in general agreement with Justice Rehnquist in terms of the direction of the ultimate decision in this case on its merits, he does say (in what can only be considered an understatement):

In its current form, reciting the Pledge entails pledging allegiance to “the Flag of the United States of America, and to the Republic for which it stands, one Nation under God.” 4 U. S. C. §4. Under *Barnette*, pledging allegiance is “to declare a belief” that now includes that this is “one Nation under God.” It is difficult to see how this does not entail an affirmation that God exists. Whether or not we classify affirming the existence of God as a “formal religious exercise” akin to prayer, it must present the same or similar constitutional problems.

(<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

Justice O’Conner attempts to minimize the constitutional offense to the Establishment Clause by again relating such attributions to “ceremonial deism” in the following way:

For centuries, we have marked important occasions or pronouncements with references to God and invocations of divine assistance. Such references can serve to solemnize an occasion instead of to invoke divine provenance. The reasonable observer discussed above, fully aware of our national history and the origins of such practices, would not perceive these acknowledgments as signifying a government endorsement of any specific religion, or even of religion over nonreligion.

There are no *de minimis* violations of the Constitution—no constitutional harms so slight that the courts are obliged to ignore them.

Given the values that the Establishment Clause was meant to serve, however, I believe that government can, in a discrete category of cases, acknowledge or refer to the divine without offending the Constitution. This category of “ceremonial deism” most clearly encompasses such things as the national motto (“In God We Trust”), religious references in traditional patriotic songs such as the Star-Spangled Banner, and the words with which the Marshal of this Court opens each of its sessions (“God save the United States and this honorable Court”). See *Allegheny*, 492 U. S., at 630 (opinion of O’CONNOR, J.). These references are not minor trespasses upon the Establishment Clause to which I turn a blind eye. Instead, their history, character, and context prevent them from being constitutional violations at all. This case requires us to determine whether the appearance of the phrase “under God” in the Pledge of Allegiance constitutes an instance of such ceremonial deism.

(<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

But, then, she adds:

I know of no religion that incorporates the Pledge into its canon, nor one that would count the Pledge as a meaningful expression of religious faith. Even if taken literally, the phrase is merely descriptive; it purports only to identify the United States as a Nation subject to divine authority. (<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

This divine authority implies a theistic (but not necessarily monotheistic) religious belief system that is at variance with many religious belief systems present in the United States. Her literal interpretation, along with the hesitant admission of Justice Thomas, is certainly one that is advanced by Newdow and others who find the Pledge unconstitutional. It is, also, quite inconsistent with a view of the Pledge that interprets “under God” to mean that our Nation was believed (correctly or incorrectly) to have been founded “under God” and that, consequently, the Pledge has no religious meaning at all. This latter historical view was presented in one form or another in at least twelve of the *amicus* briefs to the Court in support of the Pledge. In addition, for those who believe the U. S. Constitution is the ultimate authority, it seems strange to see a Justice of the Supreme Court maintaining a theocratic position (“... the United States as a Nation subject to divine authority.”).

Justice O’Conner seems to subscribe (as do several others on the Court) to the

idea that, as long as there is no religious acknowledgment explicitly favoring “one particular belief system over another,” there is no violation of the Establishment Clause. The legal problem, which she only partially addresses, is the question of what does and does not constitute a “particular belief system.” For her this seems to be limited to Abrahamic monotheism (at its most ecumenical limit) and clearly excludes atheism, agnosticism, polytheism, pantheism, (actual) deism, Ethical Culture, secular humanism, and many Unitarians. She does admit that Buddhism is a problem for her interpretation.

As an indication of the prevalence of divinity in symbols, songs, mottos, and oaths, O’Conner includes a footnote illustrating this:

Note, for example, the following state mottoes: Arizona (“God Enriches”); Colorado (“Nothing without Providence”); Connecticut (“He Who Transplanted Still Sustains”); Florida (“In God We Trust”); Ohio (“With God, All Things Are Possible”); and South Dakota (“Under God the People Rule”). Arizona, Colorado, and Florida have placed their mottoes on their state seals, and the mottoes of Connecticut and South Dakota appear on the flags of those States as well. Georgia’s newly-redesigned flag includes the motto “In God We Trust.” The oaths of judicial office, citizenship, and military and civil service all end with the (optional) phrase “[S]o help me God.” See 28 U. S. C. §453; 5 U.S. C. §3331; 10 U. S. C. §502; 8 CF R §337.1. Many of our patriotic songs contain overt or implicit references to the divine, among them: “America” (“Protect us by thy might, great God our King”); “America the Beautiful” (“God shed his grace on thee”); and “God bless America.” (<http://www.supremecourt.gov/opinions/03pdf/02-1624.pdf>)

This note serves to bolster her argument about the widespread use of religious terminology in civil religion mentioned by Justice Brennan in his dissenting opinion in *Lynch v. Donnelly* as follows:

Finally, we have noted that government cannot be completely prohibited from recognizing in its public actions the religious beliefs and practices of the American people as an aspect of our national history and culture. See *Engel v. Vitale*, supra, at 435, n. 21; Schempp, supra, at 300-304 (BRENNAN, J., concurring). While I remain uncertain about these questions, I would suggest that such practices as the designation of “In God We Trust” as our national motto, or the references to God contained in the Pledge of Allegiance to the flag can

best be understood, in Dean Rostow's apt phrase, as a form a "ceremonial deism," protected from Establishment Clause scrutiny chiefly because they have lost through rote repetition any significant religious content.

It remains the case, nevertheless, that many people consider the word "God" to have some religious significance beyond the existential equivalent of the tooth fairy assigned to it by ceremonial deism.

One criterion used by the Court to evaluate the constitutionality of a law with respect to the Establishment Clause is concerned with the purpose of the law. Is it secular or religious in its intent? One way of determining this is to look at the circumstances surrounding its passage. Although the Knights of Columbus and numerous members of Congress were actually involved, the most influential were Senator Homer Ferguson and Representative Louis Rabaut, both of Michigan. Ultimately, it was the bill in final form that was prepared by Rabaut that was adopted and passed by both Senate and House and signed into law by President Eisenhower on June 14, 1954. One other person was significantly influential in getting the words "under God" added to the Pledge—Dr. George M. Docherty, Pastor of the New York Avenue Presbyterian Church. Docherty had delivered a sermon entitled, "Under God" in which he advocated the addition of "under God" (from Lincoln's Gettysburg Address) to the Pledge of Allegiance. Attending the sermon was President Eisenhower who was impressed favorably by the suggestion. Docherty chose "under God" to "include the Jewish community, and the people of the Muslim faith, and the myriad of denominations of Christians in the land." Continuing, he said "What of the honest atheist? Philosophically speaking, an atheistic American is a contradiction in terms." The atheist "cannot deny the Christian revelation and logically live by the Christian ethic. And if he denies the Christian ethic, he falls short of the American ideal of life." For Docherty, the revised Pledge would exclude atheists. (<http://old.post-gazette.com/downloads/20020820sermon.pdf>)

Congressman Louis Rabaut stated in support of his bill:

You may argue from dawn to dusk about differing political, economic, and social systems, but the fundamental issue which is the unbridgeable gap between America and Communist Russia is a belief in Almighty God. From the root of atheism stems the evil weed of communism and its branches of materialism and political dictatorship. Unless we are willing to affirm our belief in the existence of God and His creator-

creature relation to man, we drop man himself to the significance of a grain of sand and open the floodgates to tyranny and oppression.
(https://en.wikipedia.org/wiki/Louis_C._Rabaut)

Senator Ferguson introduced his resolution in the Senate with “I believe this modification of the pledge is important because it highlights one of the real fundamental differences between the free world and the Communist world, namely belief in God.” (<http://www.nytimes.com/2002/06/28/us/with-little-ado-congress-put-god-in-pledge-in-1954.html>) In neither case was there an emphasis on “under God” meaning an historical description (or acknowledgment) of the beliefs of the Founding Fathers. Rather, it is an endorsement of monotheism designed to advance religion.

President Eisenhower stated (when signing the bill into law):

From this day forward, the millions of our school children will daily proclaim in every city and town, every village and rural school house, the dedication of our nation and our people to the Almighty. ... In this way we are reaffirming the transcendence of religious faith in America’s heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country’s most powerful resource, in peace or in war.”
(<https://www.catholiccompany.com/blog/knights-of-columbus-pledge-of-allegiance>)

It appears from the statements of those directly involved with the passage of the law changing the Pledge, that a primary concern was to reinforce by repeated affirmation belief in a monotheistic deity. Possibly, because of the legal challenges to the Pledge on Establishment Clause grounds, the U. S. Congress chose to reaffirm support and, also, revise the previously blatant rationale for the Pledge in its revised form by resolution:

Whereas the House of Representatives reaffirmed support for the Pledge of Allegiance to the Flag in the 107th Congress by adopting House Resolution 459 on June 26, 2002, by a vote of 416-3; and

Whereas the Senate reaffirmed support for the Pledge of Allegiance to the Flag in the 107th Congress by adopting Senate Resolution 292 on June 26, 2002, by a vote of 99-0:

Now, therefore, be it Resolved, That it is the sense of the House of

Representatives that—

(1) the phrase ‘one Nation, under God,’ in the Pledge of Allegiance to the Flag reflects that religious faith was central to the Founding Fathers and thus to the founding of the Nation;

(2) the recitation of the Pledge of Allegiance to the Flag, including the phrase, ‘one Nation, under God,’ is a patriotic act, not an act or statement of religious faith or belief;

(<https://www.govtrack.us/congress/bills/108/hres132/text/eh>)

This reaffirmation language is an apparent attempt to reduce the Constitutional conflict with the Establishment Clause by changing the indicated intent from what Docherty, Rabaut, Ferguson, and Eisenhower interpreted it to be into phrasing which reduces the probable cognitive dissonance. One might have just as justifiably have said that “the phrase, ‘one Nation under God,’ is an exercise in language pronunciation (if not English understanding), thus not an act of religious faith or belief,” and having no religious significance. “Under God” in this latter view has become a linguistic *deus ex machina* facilitating learning and unrelated to religious indoctrination. Others, however, find it otherwise.

Judge Stephen Reinhardt states in his dissenting opinion to the decision (reversing the earlier decision in *Newdow v. Congress EGUSD SCUSD*) of the Ninth Circuit Court of Appeals in *Newdow v. Rio Linda* (without any attempt to reduce dissonance):

To put it bluntly, no judge familiar with the history of the Pledge could in good conscience believe, as today’s majority purports to do, that the words “under God” were inserted into the Pledge for any purpose other than an explicitly and predominantly religious one: “to recognize the power and the universality of God in our pledge of allegiance;” to “acknowledge the dependence of our people, and our Government upon the moral direction and the restraints of religion,” 100 Cong. Rec. 7590-91 (1954); and to indoctrinate schoolchildren in the belief that God exists, *id.* at 5915, 6919. Nor could any judge familiar with controlling Supreme Court precedent seriously deny that carrying out such an indoctrination in a public school classroom unconstitutionally forces many young children either to profess a religious belief antithetical to their personal views or to declare themselves through their silence or nonparticipation to be protesting nonbelievers, thereby

subjecting themselves to hostility and ridicule. (*Newdow v. Rio Linda Union School Dist.*, 597 F. 3d 1007 - Court of Appeals, 9th Circuit 2010)

The dissonance generated is a consequence of two competing views of the significance of “under God” in the Pledge. Either the phrase is a religious affirmation of a monotheistic deity, which makes the Pledge an unconstitutional breach of the Establishment Clause, or the phrase has no religious significance (ceremonial deism), which insulates it against constitutional challenge. This permits one to reduce dissonance by considering its significance to be less or misperceived.

8.2 – In God We Trust

The motto on U. S. coins, “IN GOD WE TRUST,” has been present sporadically on currency since 1864, but not until 1956 did it appear as the official motto of the United States, replacing the *de facto* motto *E Pluribus Unum* (out of many, one) which was suggested by John Adams, Benjamin Franklin, and Thomas Jefferson in 1776. After initially being rejected *E Pluribus Unum* was adopted in 1782 as the motto for the Great Seal of the United States and continues in that role until the present.
(https://en.wikipedia.org/wiki/E_pluribus_unum)

The Great Seal appears in a variety of official documents and, since 1935, on the reverse of the one-dollar bill as shown in the following **Figure 8.1**:



[**Figure 8.1**] *The Reverse of the U. S. One-Dollar Bill.* On the right there is an eagle holding a ribbon in its beak containing the Great Seal motto, “E

PLURIBUS UNUM.” On the left there is a pyramid inscribed above with “ANNUIT COEPTIS” ([Providence has] approved of [our] undertakings) and below with “NOVUS ORDO SECLORUM” (a new order for the ages). In the middle appears the motto (official since 1956) “IN GOD WE TRUST.”
(https://en.wikipedia.org/wiki/Great_Seal_of_the_United_States)

The presence of the national motto on a coin is shown in the following **Figure 8.2**:



[**Figure 8.2**] *Inscription Details on the U. S. Penny.* The obverse (above right) reveals the presence of “IN GOD WE TRUST” on the penny. The reverse (above left) displays “*E PLURIBUS UNUM*.” Photo adapted from [https://en.wikipedia.org/wiki/Penny_\(United_States_coin\)](https://en.wikipedia.org/wiki/Penny_(United_States_coin)).

Thus, the placement of “IN GOD WE TRUST” on currency, as well as its elevation to official status as the National Motto of the United States, has replaced the phrase, “*E PLURIBUS UNUM*,” (out of many, one) which has served as a *de facto* unofficial motto since 1782, but continues officially in its appearance in the Great Seal of the United States as shown in the following **Figure 8.3**:



[[Figure 8.3](#)] *Obverse of the Great Seal of the United States Showing the Motto E PLURIBUS UNUM*

The motto *E PLURIBUS UNUM*, eagle, and several other components are also found in the seals of the President, Vice President, Congress, US House of Representatives, US Senate, and US Supreme Court. The Great Seal of the United States is present on the right of the reverse dollar bill with the reverse of the Great Seal of the United States being displayed on the left (as shown in [Figure 8.1](#)). (https://en.wikipedia.org/wiki/Great_Seal_of_the_United_States)

8.3 – The Motto and the Establishment Clause

Long before the prominence of “ceremonial deism” and, of course, the hugely

repeated use of the phrase, “In God We Trust,” the religious intent is evident. The legal requirements resulting in its presence on currency (and elsewhere) contribute to an artificially induced ubiquity, suggested by Justice O’Conner as a “ceremonial deism” justification that might spare the motto from being adjudicated as unconstitutional. The historical complexity of the motto prior to its becoming the official U. S. National Motto in 1956 can be seen in its use on various types of U. S. currency as described on the Department of Treasury web page:

History of ‘In God We Trust’

The motto IN GOD WE TRUST was placed on United States coins largely because of the increased religious sentiment existing during the Civil War. Secretary of the Treasury Salmon P. Chase received many appeals from devout persons throughout the country, urging that the United States recognize the Deity on United States coins. From Treasury Department records, it appears that the first such appeal came in a letter dated November 13, 1861. It was written to Secretary Chase by Rev. M. R. Watkinson, Minister of the Gospel from Ridleyville, Pennsylvania, and read:

Dear Sir: You are about to submit your annual report to the Congress respecting the affairs of the national finances.

One fact touching our currency has hitherto been seriously overlooked. I mean the recognition of the Almighty God in some form on our coins.

You are probably a Christian. What if our Republic were not shattered beyond reconstruction? Would not the antiquaries of succeeding centuries rightly reason from our past that we were a heathen nation? What I propose is that instead of the goddess of liberty we shall have next inside the 13 stars a ring inscribed with the words PERPETUAL UNION; within the ring the allseeing eye, crowned with a halo; beneath this eye the American flag, bearing in its field stars equal to the number of the States united; in the folds of the bars the words GOD, LIBERTY, LAW.

This would make a beautiful coin, to which no possible citizen could object. This would relieve us from the ignominy of heathenism. This would place us openly under the Divine protection we have personally claimed. From my hearth I have

felt our national shame in disowning God as not the least of our present national disasters.

To you first I address a subject that must be agitated.

As a result, Secretary Chase instructed James Pollock, Director of the Mint at Philadelphia, to prepare a motto, in a letter dated November 20, 1861:

Dear Sir: No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.

You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.

[...] In a letter to the Mint Director on December 9, 1863, Secretary Chase stated:

I approve your mottoes, only suggesting that on that with the Washington obverse the motto should begin with the word OUR, so as to read OUR GOD AND OUR COUNTRY. And on that with the shield, it should be changed so as to read: IN GOD WE TRUST.

The Congress passed the Act of April 22, 1864. This legislation changed the composition of the one-cent coin and authorized the minting of the two-cent coin. The Mint Director was directed to develop the designs for these coins for final approval of the Secretary. IN GOD WE TRUST first appeared on the 1864 two-cent coin.

[...] A law passed by the 84th Congress (P.L. 84-140) and approved by the President on July 30, 1956, the President approved a Joint Resolution of the 84th Congress, declaring IN GOD WE TRUST the national motto of the United States. IN GOD WE TRUST was first used on paper money in 1957, when it appeared on the one-dollar silver certificate. The first paper currency bearing the motto entered circulation on October 1, 1957. The Bureau of Engraving and Printing (BEP) was converting to the dry intaglio printing process. During this conversion, it gradually included IN GOD WE TRUST in the back design of all classes and denominations of currency.

(<http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

From the preceding history provided by the Department of Treasury, it is evident that the rationale for including the motto IN GOD WE TRUST on coins is religious.

Prior to the elevation of In God We Trust in status to being the official U. S. National Motto, the religiously neutral *E Pluribus Unum* (out of many, one) served from 1782 until 1956 as a *de facto* national motto (and continues to the present as the motto of the Great Seal of the United States). It expresses the idea that a diverse population (ethnically, politically, religiously, etc.) can function as one unified country, a United States of America. In 1956 the U. S. Congress voted to make “In God We Trust” the official U. S. National Motto (Public Law 84-851 [36 USC §302]), which was quickly signed into law by President Eisenhower. In 2011 the House Judiciary Committee voted to reaffirm the National Motto (H. Con. Res. 13) despite some concerns about its constitutionality expressed in an accompanying dissent. (<https://www.congress.gov/112/crpt/hrpt47/CRPT-112hrpt47.pdf>)

8.4 – Establishment Clause Challenges to the National Motto

Because of the evident religious motivation and language, the National Motto has been challenged several times (excluding cases in which statements including references to the motto are given as *dicta*) in District Court (*O’Hair v. Blumenthal*; *Schmidt v. Cline*) and at the Appellate Court level (*Aronow v. United States*; *Gaylor v. United States*). In *O’Hair v. Blumenthal*, O’Hair objected to the display of In God We Trust on currency as a violation of the Establishment Clause and Free Exercise Clause. The suit was dismissed on the basis of the precedent set by *Aronow v. United States* (which will be discussed in some detail following *Schmidt v. Cline*).

Schmidt, a pagan, reported that she was offended by the County Treasurer’s prominent display of “In God We Trust,” which included a barely visible statement that it was the National Motto. Schmidt was also offended by a succession of (incompletely documented) religious actions by defendant Cline. Assuming that Schmidt had standing, the court ruled on the Establishment Clause attack that, despite

... establishment clause analysis [having] undergone a barrage of

change in recent years, creating a “morass of inconsistent Establishment Clause decisions,”

and based on precedents, *Aronow v. United States* and *Gaylor v. United States*, both having determined the motto constitutional, Schmidt’s case similarly failed in its constitutional challenge.

(<http://law.justia.com/cases/federal/district-courts/FSupp2/127/1169/2512347/>)

Aronow v. United States was an appeal from a District Court including a complaint that “challenged the use of expressions of trust in God by the United States Government on its coinage, currency, official documents and publications. Specifically, the action challenged the constitutionality as repugnant to the Establishment Clause of the First Amendment of two federal statutes:”

“At such time as new dies for the printing of currency are adopted, the dies shall bear, at such place or places thereon as the Secretary of the Treasury may determine to be appropriate, the inscription ‘In God we Trust,’ and thereafter this inscription shall appear on all United States currency and coins.” 31 U.S.C. § 324a.

“The national motto of the United States is declared to be ‘In God we Trust.’” 36 U.S.C. § 186. (*Aronow v. United States*, 432 F. 2d 242 - Court of Appeals, 9th Circuit 1970)

The decision affirming that of the District Court (against Aronow) was based on the stated rationale:

It is quite obvious that the national motto and the slogan on coinage and currency “In God We Trust” has nothing whatsoever to do with the establishment of religion. Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.

and

While “ceremonial” and “patriotic” may not be particularly apt words to describe the category of the national motto, it is excluded from First Amendment significance because the motto has no theological or

ritualistic impact. As stated by the Congressional report, it has “spiritual and psychological value” and “inspirational quality.” [Footnote omitted] (*Aronow v. United States*, 432 F. 2d 242 - Court of Appeals, 9th Circuit 1970)

There are some for whom it is not quite so obvious that “In God We Trust” has nothing whatsoever to do with the establishment of a religion. Some, I suspect, consider trusting in God probably has some connection with religion (possibly even more than with patriotism) and is monotheistic in its theological manifestation. To suppose that “In God We Trust” does not favor monotheism over polytheism (or many other religious belief systems) requires an embarrassing amount of judicial linguistic gymnastics. This decision displays a consequence of the application of ceremonial deism and its resulting trivialization of the deity in this case as well as others (such as, *O’Hair v. Blumenthal*; *Gaylor v. United States*; *Schmidt v. Cline*; *Newdow v. LeFevre*; and others) through *stare decisis*. For example, without regard to standing, one conclusion stated in *Newdow v. LeFevre* was, “Accordingly, Newdow’s Establishment Clause challenge is foreclosed by *Aronow*.” [*Newdow v. Lefevre*, 598 F.3d 638 (9th Cir. 2010)]

For purposes of analysis, consider the case of *Newdow v. Peterson* which challenged both the Establishment Clause constitutionality of the printing of “In God We Trust” on currency and, also, the Free Exercise Clause through the Religious Freedom Restoration Act of 1993 (“RFRA”). I will consider only the Establishment Clause challenge here. Although *Aronow* was mentioned, this Court of Appeals gave additional attention to two prongs of the Lemon test (*Lemon v. Kurtzman*) and, also, to various *dicta* provided within several Supreme Court decisions. Although not unprecedented (e.g., see *Kidd v. Obama*, the *dicta* may have played a stronger role in the ruling against *Newdow* in this case. The two prongs of Lemon (as given in *Newdow v. Peterson*) were:

1. Do the “statutes establishing the national motto and directing its reproduction on U.S. currency clearly have a secular purpose”?
2. Is the primary effect of the motto to advance religion?

So, how does *Newdow v. Peterson* fare with regard to these two prongs (the third prong of Lemon was not at issue in this case)? Was the origin and subsequent passage of legislation mandating the placement of the motto clearly secular? The answer to this question can be obtained from historical

descriptions of the initial advocacy for its placement on coins and the later law (Public Law 140) which mandated that the motto “IN GOD WE TRUST” be placed on all new currency (signed into law in 1955). Parts of the previously quoted “History of ‘In God We Trust’” reveal the following reasons mentioned for recognizing the Deity on coins:

1. It will correct the overlooking of “the recognition of Almighty God in some form on our coins.”
2. It will prevent antiquaries of succeeding centuries from concluding that we are a heathen nation.
3. It “would relieve us from the ignominy of heathenism.”
4. “No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins.”

(<http://www.treasury.gov/about/education/Pages/in-god-we-trust.aspx>)

Florida Representative Charles E. Bennett sponsored the legislation placing “In God We Trust” on national currency in 1955. His view of it is indicated as follows:

The legislation placing “In God We Trust” on national currency Collection of the U.S. On this date, President Dwight D. Eisenhower signed into law H.R. 619, a bill that required that the inscription “In God We Trust” appear on all paper and coin currency. Representative Charles E. Bennett of Florida introduced the resolution in the House where it won fast backing from the Committee on Banking and Currency and support from like-minded Members such as Herman Eberharter of Pennsylvania and Oren Harris of Arkansas. “Nothing can be more certain than that our country was founded in a spiritual atmosphere and with a firm trust in God,” Bennett proclaimed on the House Floor. “While the sentiment of trust in God is universal and timeless, these particular four words ‘In God We Trust’ are indigenous to our country.” Furthermore, Bennett invoked the cold war struggle in arguing for the measure. “In these days when imperialistic and materialistic communism seeks to attack and destroy freedom, we should continually look for ways to strengthen the foundations of our freedom,” he said. Adding “In God We Trust” to currency, Bennett

believed, would “serve as a constant reminder” that the nation’s political and economic fortunes were tied to its spiritual faith.”
(<http://history.house.gov/HistoricalHighlight/Detail/36275?ret=True>)

and

In view of this I sincerely hope that congress will take speedy action In enacting House Joint Resolution 619 so that our printed currency will henceforth bear the Inspirational phrase, “In God we trust.”

In these days when imperialistic and materialistic communism seeks to attack and to destroy freedom, it Is proper for us to seek continuously for ways to strengthen the foundations of our freedom. At the base of our freedom Is our faith In God and the desire of Americans to live by His will and by His guidance. As long as this country trusts In God, it will prevail. To remind all of us of this self-evident truth, it is proper that our currency should carry these inspiring words, coming down to as through our history: "In God we trust." Representative Bennett of Florida—Congressional Record April 13,1955, page 4384.

(https://en.wikipedia.org/wiki/Charles_Edward_Bennett)

Does “IN GOD WE TRUST” placed on currency have a secular legislative purpose as required by the first prong of the Lemon tests? Apart from getting members of Congress re-elected by an electorate sharing their majority theological prejudices, it would seem to not be the case. As can be seen, monotheistic religious arguments are obviously prevalent in the justifications provided. It can, I think, clearly be said that the legislation fails the first prong of the Lemon test.

What about the second prong? Does the legislation have a primary effect that neither advances nor inhibits religion? Consider Ethical Culture, Secular Humanism, many Unitarians, polytheism, Buddhism, pantheism, actual philosophical deism, atheism, agnosticism, Taoism, and Jainism. For adherents of these religions there is no personal God (in whom one would have trust) or the concept is meaningless. Now, does the motto “In God We Trust” favor monotheism over any of the non-monotheistic religions mentioned above? It would seem that the only correct answer is “yes” in which case the legislation fails the second (or effect) prong. There is simply no way in which the motto can be regarded seriously as constitutional. But let

us view the Establishment Clause portion of the decision in *Newdow v. Peterson*:

We have never addressed the question of whether the inclusion of the words “In God We Trust” on United States currency violates the Constitution or RFRA and write today to clarify the law on this issue. Four other circuit courts have ruled on this question, however, and have found that the statutes at issue do not contravene the Constitution. See *Kidd v. Obama*, 387 Fed.Appx. 2 (D.C.Cir.2010) (*per curiam*) (affirming the district court and holding that the printing of the motto on currency does not violate the First Amendment); *Gaylor v. United States*, 74 F.3d 214, 216 (10th Cir.1996) (holding that the “statutes establishing the national motto and directing its reproduction on U.S. currency clearly have a secular purpose” and that “the motto’s primary effect is not to advance religion; instead, it is a form of ‘ceremonial deism,’” and, therefore, the statutes do not violate the Establishment Clause); *O’Hair v. Murray*, 588 F.2d 1144 (5th Cir.1979) (*per curiam*) (upholding the constitutionality of the statutes requiring the motto to be placed on currency and the statute criminalizing the defacement of the motto), aff’g district court’s opinion in *O’Hair v. Blumenthal*, 462 F.Supp. 19 (W.D.Tex.1978); *Aronow v. United States*, 432 F.2d 242 (9th Cir.1970) (affirming the dismissal of a challenge to both the motto and its inscription on currency because “[i]t is quite obvious that the national motto and the slogan on coinage and currency ‘In God We Trust’ has nothing whatsoever to do with the establishment of religion. Its use is of a patriotic or ceremonial character”); see also *Newdow v. Lefevre*, 598 F.3d 638 (9th Cir.2010) (declining to overrule *Aronow*). We agree with our sister circuits and hold that 31 U.S.C. §§ 5112(d)(1) and 5114(b) do not violate the Establishment Clause, the Free Exercise Clause or RFRA. Accordingly, the judgment of the district court is affirmed. (*Newdow v. Peterson*, 753 F. 3d 105 - Court of Appeals, 2nd Circuit 2014)

Ever since the decision was issued with its catechism,

It is quite obvious that the national motto and the slogan on coinage and currency “In God We Trust” has nothing whatsoever to do with the establishment of religion. Its use is of a patriotic or ceremonial character.

we find this “quite obvious” justification for its constitutionality. Despite

historical evidence which belies this argument, the idea is found in later decisions verbatim, along with the corollary statement indicating “a secular purpose,” as in *Gaylor v. United States*:

The motto’s primary effect is not to advance religion; instead, it is a form of “ceremonial deism” which through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief. (*Gaylor v. United States*, 74 F.3d 214 (10th Cir.))

and, in *Schmidt v. Cline*:

Plaintiffs blatantly ignore the fact that binding precedent exists on a fundamental issue presented in this case. The Tenth Circuit has squarely, unambiguously, and recently held that the national motto “In God We Trust” does not constitute an establishment of religion under either the test set forth in *Lemon v. Kurtzman*, 403 U.S. 602, 91 S.Ct. 2105, 29 L.Ed.2d 745 (1971)[13], or the more recent endorsement test[14] set forth in *Lamb’s Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384, 113 S.Ct. 2141, 124 L.Ed.2d 352 (1993). *Gaylor v. United States*, 74 F.3d 214 (1996).

In *Gaylor*, the Tenth Circuit held that the national motto has a secular purpose, symbolizes the historical role of religion in our society, fosters patriotism, and expresses confidence in the future; that its primary effect is not to advance religion; and that it “does not create an intimate relationship of the type that suggests unconstitutional entanglement of church and state,” easily meeting the requirements of the *Lemon* test. 74 F.3d at 216. Further, the Tenth Circuit held that a reasonable observer, “aware of the purpose, context, and history of the phrase ‘In God we trust’ would not consider its use ... to be an endorsement of religion.” 74 F.3d at 217. (*Schmidt v. Cline*, 127 F. Supp. 2d 1169 (D. Kan. 2000))

The statement in *Schmidt v. Cline*, considered sufficiently meritorious to be quoted in its argument, namely,

Further, the Tenth Circuit held that a reasonable observer, “aware of the purpose, context, and history of the phrase ‘In God we trust’ would not consider its use ... to be an endorsement of religion.”

It is not clear where this hypothetical reasonable observer obtained his or her historical knowledge of the phrase “In God We Trust” given the clear history of the phrase based on statements of advocates. For some readers the following statement provided by *Gaylor v. United States* may be relevant to this point:

The application of the reasonable observer standard helps explain why we reject the Foundation’s insistence upon further fact finding at the trial level, including the introduction of expert testimony and polling data. We need not engage in such empirical investigation because “we do not ask whether there is any person who could find an endorsement of religion, whether some people may be offended by the display, or whether some reasonable person might think [the State] endorses religion.” *Id.* (O’Connor, J., concurring) (quoting *Americans United for Separation of Church and State v. Grand Rapids*, 980 F.2d 1538, 1544 (6th Cir. 1992) (*en banc*)) (emphasis and brackets in original). “[T]he endorsement inquiry is not about the perceptions of particular individuals or saving isolated non-adherents from the discomfort of viewing symbols of faith to which they do not subscribe.” *Id.* (O’Connor, J., concurring). It is instead an objective inquiry that this court is fully equipped to conduct with the facts at hand. After making that inquiry, we find that a reasonable observer, aware of the purpose, context, and history of the phrase “In God we trust,” would not consider its use or its reproduction on U.S. currency to be an endorsement of religion. (*Gaylor v. United States*, 74 F.3d 214 (10th Cir.))

I am frankly mystified by this argument. It seems that the Tenth Circuit Court of Appeals is stating that the reasonable observer standard requires no empirical investigation of the observer’s knowledge because,

It is instead an objective inquiry that this court is fully equipped to conduct with the facts at hand. After making that inquiry, we find that a reasonable observer, aware of the purpose, context, and history of the phrase “In God we trust,” would not consider its use or its reproduction on U.S. currency to be an endorsement of religion.

The source of the alleged facts is very unclear. How their validity and significance exceeds that of information provided by empirical data is unstated other than to say that the court making its “objective inquiry” asserts the reasonable observer “would not consider its [“In God We Trust”] use or its

reproduction on U.S. Currency to be an endorsement of religion.

Another source used and mentioned by *Gaylor v. United States* is a collection of *dicta* from previous Supreme Court decisions. Specifically,

Our decision is confirmed by the statements of the Supreme Court and the decisions of other circuit courts that have addressed the question. The Supreme Court has noted, for example, that “[o]ur previous opinions have considered in *dicta* the motto and the pledge [of allegiance], characterizing them as consistent with the proposition that government may not communicate an endorsement of religious belief.” *Allegheny*, 492 U.S. at 602-03, 109 S.Ct. at 3105-06; see also *id.* at 625, 109 S.Ct. at 3117 (O’Connor, J., concurring); *Lynch*, 465 U.S. at 693, 104 S.Ct. at 1369 (O’Connor, J., concurring); *id.* at 716-17, 104 S.Ct. at 1381-82 (Brennan, J., dissenting); *School District of Abington Township v. Schempp*, 374 U.S. 203, 303, 83 S.Ct. 1560, 1613, 10 L.Ed.2d 844 (Brennan, J., concurring); *Engel v. Vitale*, 370 U.S. 421, 449-50, 82 S.Ct. 1261, 1275-76, 8 L.Ed.2d 601 (Stewart, J., dissenting). While these statements are *dicta*, this court considers itself bound by Supreme Court *dicta* almost as firmly as by the Court’s outright holdings, particularly when the *dicta* is recent and not enfeebled by later statements. *Pittsburg & Midway Coal Mining Co. v. Watchman*, 52 F.3d 1531, 1540 n. 10 (10th Cir.1995). Moreover, the two other circuit courts that have specifically addressed this question have held that the motto and its use on U.S. currency do not offend the Establishment Clause. *Aronow*, 432 F.2d 242; *O’Hair v. Murray*, 588 F.2d 1144 (5th Cir.1978) (per curiam), cert. denied sub nom. *O’Hair v. Blumenthal*, 442 U.S. 930, 99 S.Ct. 2862, 61 L.Ed.2d 298 (1979). (*Gaylor v. United States*, 74 F.3d 214 (10th Cir.))

These *dicta* suggest how, in the event *certiorari* is granted in some future appeal, at least some of the Justices on the Court may be inclined to decide. They also suggest considerations that might influence possible reversal upon appeal.

A final consideration regarding the National Motto “In God We Trust” is concerned with matters apart from its constitutional validity. In a pluralistic society, such as the United States, the Motto is divisive in its effect. It is, also, inaccurate since a significant minority of the U. S. population do not believe in what it states. It might be more accurate to change the Motto to “In God Some of Us Trust” or “In God Most of Us Trust.” The current version is

simply false.

PART II – CONCLUSION

Residents of the United States subscribe to one or the other of a multitude of religions or, in increasing numbers, may be religiously unaffiliated. Demographically, there is a relatively higher proportion of self-identified Christians in the United States than worldwide. The significance of this preponderance of adherents to a single religion is that it increases probable ingroup-outgroup tensions. This resulting tension may have a consequence that a dominant majority may act in ways detrimental to the coexisting minority. The detrimental dominant behavior may be manifested in seemingly trivial instances of ingroup-outgroup conflict, illustrated by nonreligious differences involving eye color or, much more significantly, in the behavior of Nazi Germany directed against Jews through a succession of progressively incremental stages that separated the dominant majority from the Jewish minority.

The severity of detrimental actions taken against the minority outgroup appears to increase with the physical or psychological distance between the groups. The actions taken by those among the dominant majority may be inconsistent with the ethical values of its members. Recognizing this inconsistency generates unpleasant cognitive dissonance, which can be reduced by increasing physical or psychological distance or by utilizing reinterpretation of what is happening or through other rationalizations.

One area of dominant majority influence in the United States involves church-state relations. Many Christians seem to want Christian-friendly doctrines to be manifested in governmental public places, but many of them also identify with constitutional, separation of church and state, limitations which preclude blatant instances of church dominance in the public sphere. Nevertheless, some instances seem to be acceptable including the phrases “one Nation under God” and “In God We Trust” in the Pledge of Allegiance and the National Motto, respectively. Although most Christians do not worry about the discrepancy between these two phrases and the First Amendment’s Establishment Clause (possibly an instance of “Where ignorance is bliss, ’tis folly to be wise”) and, consequently, do not experience any noticeable cognitive dissonance from it, federal judges at the district and appeals court levels (and some Supreme Court Justices through *dicta* in related decisions) have been forced to formally decide cases brought before the courts challenging the constitutionality of these two phrases with regard to the

Establishment Clause. There seems to be an elevation of constitutional cognitive dissonance among these judges, who (at least) recognize that the potential of Establishment Clause conflict exists. Resolution of the dissonance is accomplished by ruling a phrase to be unconstitutional (as was done initially by the Ninth Circuit Court of Appeals for “one Nation under God”) or reinterpreting the phrases to mean something unrelated to the establishment of religion or declaring “God” to be a term of ceremonial deism and, as such, having neither meaning nor religious connotation. These latter two forms of resolution have hitherto apparently reduced dissonance and preserved traditions. Neither of the two is likely to be acceptable to those initiating the challenges in the courts nor to many devout Christians who are unaware of what is theologically lost in the argumentation.

The *de facto* official religion of the United States seems to be an ambiguous form of monotheism, compatible with each of the Abrahamic religions, but insufficiently identified with them to the extent that there is a conflict with the Establishment Clause of the First Amendment of the U. S. Constitution. This minimized conflict is obtained by designating the god in “In God We Trust” and “one Nation under God” (of the Pledge) as being not really God, but rather a deity from the quasi-religious tradition of “ceremonial deism” (not to be confused with the unrelated philosophical-religious viewpoint called deism) despite the strongly theistic arguments by advocates for these phrases. The belief system containing this deity has a wide latitude of acceptance, thus permitting “believers” ranging from those who have beliefs in a personal deity (similar to those of the Abrahamic faiths) to those who are unconcerned beyond paying lip service to “theological” considerations. The deity of ceremonial deism (as a legally defined fiction from various *dicta* by the Supreme Court) existing within the civil religion considered consistent with the Establishment Clause by many (this has yet to be decided upon by the Supreme Court), is a form of virtual reality in modern terms, analogous to the Tooth Fairy or Santa Claus. This, of course, does not preclude the general population from accepting the word God as referring to an actual entity even though it is a *de minimis* deity.

**PART III – REPAIRING THE DIVIDE
BETWEEN RELIGIOUS MAJORITIES AND
MINORITIES**

Chapter 9 – A Basis for Morality

Thousands of years ago, given the homogeneity of a local population in terms of beliefs, it would be understandable that the governing local legal system would constrain people in their choice of religion and behavior. In contemporary society, however, with a considerable diversity in its population, there is likely to be an absence of agreement about religion and the basis for laws. Ancient codes, such as the 282 laws of the Code of Hammurabi (ca. 1792-1750 BCE), the 613 “commandments” of the (ca. 1300 BCE) Mosaic Code, and the very harsh Draconian code (ca. 621 BCE), among others, attempted to provide a basis for legal and moral conduct.

9.1 – The Golden Rule (Ethic of Reciprocity)

One principle that has served to organize approaches to legalizing morality is the “golden rule” in one of its variants (or, as it is also known, the “ethic of reciprocity”). This principle appears in both theistic and non-theistic social environments and varies in its phrasing from culture to culture. As indicated in Wikipedia, the golden rule may appear in either a positive or a negative format:

The Golden Rule or ethic of reciprocity is a maxim, ethical code or morality that essentially states either of the following:

One should treat others as one would like others to treat oneself (directive form).

One should not treat others in ways that one would not like to be treated.

[Footnotes omitted] (https://en.wikipedia.org/wiki/Golden_Rule)

A sampling of views across cultures and ages follows:

The Code of Hammurabi (1780 BC) dealt with the reciprocity of the *lex talionis* in ways such as limiting retribution, as they did concepts of retribution (literally “an eye for an eye, a tooth for a tooth”).

http://www.newworldencyclopedia.org/entry/Lex_talionis

and

The Golden Rule existed among all the major philosophical schools of Ancient China: Mohism, Taoism, and Confucianism.

Buddha (Siddhartha Gautama, c. 623 – c. 543 BC) made this principle one of the cornerstones of his ethics in the 6th century BC.

According to Simon Blackburn, although the Golden Rule “can be found in some form in almost every ethical tradition”, the rule is “sometimes claimed by Christianity as its own”. The “Golden Rule” has been attributed to Jesus of Nazareth, who used it to summarize the Torah: “Do to others what you want them to do to you. This is the meaning of the law of Moses and the teaching of the prophets” (Matthew 7:12 NCV, see also Luke 6:31).

Confucianism

“What you do not wish for yourself, do not do to others.”

Hinduism

One should never do that to another which one regards as injurious to one’s own self. This, in brief, is the rule of dharma. Other behavior is due to selfish desires.

—Brihaspati, Mahabharata (Anusasana Parva, Section CXIII, Verse 8)

Humanism

Many different sources claim the Golden Rule as a humanist principle:

Trying to live according to the Golden Rule means trying to empathise with other people, including those who may be very different from us. Empathy is at the root of kindness, compassion, understanding and respect – qualities that we all appreciate being shown, whoever we are, whatever we think and wherever we come from. And although it isn’t possible to know what it really feels like to be a different person or live in different circumstances and have different life experiences, it isn’t difficult for most of us to imagine what would cause us suffering and to

try to avoid causing suffering to others. For this reason many people find the Golden Rule's corollary – “do not treat people in a way you would not wish to be treated yourself” – more pragmatic.

—Maria MacLachlan, Think Humanism

Islam

The Golden Rule is implicitly expressed in some verses of the Quran, but is explicitly declared in the sayings of Muhammad. A common transliteration is:

Aheb li akheek ma tuhibu li nafsik. This can be translated as “Wish for your brother, what you wish for yourself” or “Love your brother as you love yourself”.

Jainism

The Golden Rule is paramount in the Jainist philosophy and can be seen in the doctrines of Ahimsa and Karma.

The following quotation from the Acaranga Sutra sums up the philosophy of Jainism:

Nothing which breathes, which exists, which lives, or which has essence or potential of life, should be destroyed or ruled over, or subjugated, or harmed, or denied of its essence or potential.

In support of this Truth, I ask you a question – “Is sorrow or pain desirable to you?” If you say “yes it is”, it would be a lie. If you say, “No, It is not” you will be expressing the truth. Just as sorrow or pain is not desirable to you, so it is to all which breathe, exist, live or have any essence of life. To you and all, it is undesirable, and painful, and repugnant.

Judaism

A rule of altruistic reciprocity was first stated positively in a well-known Torah verse:

You shall not take vengeance or bear a grudge against your kinsfolk. Love your neighbor as yourself: I am the LORD.
—Leviticus 19:18

Taoism

The sage has no interest of his own, but takes the interests of the people as his own. He is kind to the kind; he is also kind to the unkind: for Virtue is kind. He is faithful to the faithful; he is also faithful to the unfaithful: for Virtue is faithful.

—Tao Teh Ching, Chapter 49

Regard your neighbor's gain as your own gain, and your neighbor's loss as your own loss.

—T'ai Shang Kan Ying P'ien

Wicca

Here ye these words and heed them well, the words of Dea, thy Mother Goddess, "I command thee thus, O children of the Earth, that that which ye deem harmful unto thyself, the very same shall ye be forbidden from doing unto another, for violence and hatred give rise to the same. My command is thus, that ye shall return all violence and hatred with peacefulness and love, for my Law is love unto all things. Only through love shall ye have peace; yea and verily, only peace and love will cure the world, and subdue all evil."

—The Book of Ways, Devotional Wicca

Excerpted from https://en.wikipedia.org/wiki/Golden_Rule [Footnotes omitted].

The above sampling shows the role of the golden rule in a variety of diverse cultures in an attempt to formulate a widely acceptable basis for a moral code.

An alternative approach has been formulated by the philosopher, Immanuel Kant in his proposed categorical imperative. The Kantian categorical imperative is a theoretical basis for moral action that some find similar in its concerns to the golden rule. While the golden rule, as stated positively or negatively, describes behavior that the individual should engage in based on the individual's preferences, the categorical imperative (in its various manifestations) states that one should behave in a way that would be universally acceptable in all circumstances as appropriate behavior without regard to the desires of the individual. An example (mentioned by others) illustrating the difficulty of formulating such a universal principle involves telling the truth. Is such a moral action appropriate as a categorical

imperative? The answer that has been given is no because, under some circumstances, the truth would be very detrimental, as in the case of a murderer asking a knowledgeable person about the location of the murderer's potential victim. (See https://en.wikipedia.org/wiki/Categorical_imperative for more information.)

We currently live in a complex society including people who differ in ethnic background, have differing political views, and have, as individuals, grown up within differing religious environments and traditions, which may be maintained throughout life by the individual, abandoned, modified, or replaced. This is in contrast to the relative uniformity of the Israelites under Moses, who were required to believe in and worship Yahweh (and no other under penalty of death) as part of the theocratic covenant established between Moses, the Israelites, and Yahweh. Such uniformity in belief and lifestyle does not usually exist in today's world, although pockets of uniformity do in some provincial geographical locations. Oddly, there seems to be a prevalent belief that the religious tradition one experienced in his or her ontogenetic development is the one true and valid tradition. Others are either not true or are partially true with deficiencies. A primary component of this tradition in the United States is whether or not one "believes in God" under the assumption that this is a uniquely meaningful statement. Agnostics and, especially, ignostics would dispute this.

9.2 – The Dostoevsky View (Belief in God and Morality)

Included within this socially isolated tradition are concepts of "right and wrong." In some religions (e.g., the Abrahamic religions) there are written descriptions of what is right and wrong in the form of laws and commandments. These provide a basis for correct or moral behavior. Those who do not follow the prescribed laws and commandments are considered to be behaving immorally. The justification for this distinction seems to derive from the suggestion by Dostoevsky's character, "If God does not exist, everything is permitted." Thus, belief in God justifies and requires moral behavior, and the absence of a belief in God results in immoral behavior. A consequence of this seems to be the idea that atheists are immoral or bad people, and theists are moral and good. The reader will, I hope, see this as an oversimplification of reality, but one containing some validity. For example, the Pew Research Center has conducted international surveys over a succession of years including questions about morality and religion. As R. McKay and H. Whitehouse state in their article, "Religion and Morality":

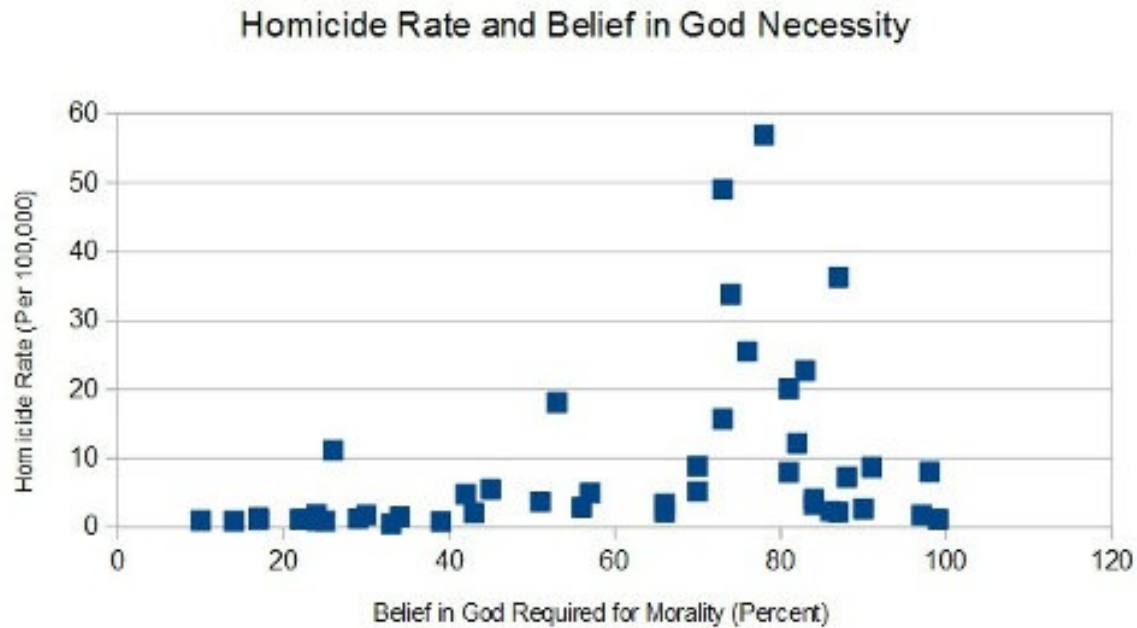
The notion that religion is a precondition for morality is widespread and deeply ingrained. More than half of Americans share Laura Schlessinger's belief that morality is impossible without belief in God (Pew Research Center, 2007), and in many countries this attitude is far more prevalent (see Figure 1).

(<http://psycnet.apa.org/journals/bul/141/2/447.html>)

In their Figure 1, entitled “Must Believe in God to be Moral?”, percentages of the responding population indicating “Yes” or “No” are given for forty-six countries. A separate source of information, the *Global Study on Homicide 2011*, (by the United Nations Office on Drugs and Crime) provides homicide rate data for forty-five of these same countries covering approximately the same time period. (http://www.unodc.org/documents/congress/background-information/Crime_Statistics/Global_Study_on_Homicide_2011.pdf)

9.2.1 – Homicide Rates and the Necessity of a Belief in God

The following **Graph 9.1** (constructed by the author) shows the relation between a belief in God required for morality and homicide rates based on data from the two preceding sources in section 9.2. As can be seen from the graph, those countries which had larger percentages of people believing in the necessity of a belief in God for morality appear to have (except for those above 80 percent) a greater homicide rate than those with lower percentages. A Pearson correlation of +0.35 indicates a moderate, but reliable ($p < 0.02$), association between the variables. It does not, of course, indicate why the association exists. Homicide rates were considered instead of other crimes (e.g., rape, robbery, assault, etc.) under the assumption that homicides are more likely to be accurately reported from country to country. The generalization from these data is that those countries in which there is a view that belief in God is required for morality (the “Dostoevsky view”) tend to have a higher homicide rate than those others whose population do not subscribe to the Dostoevsky view.



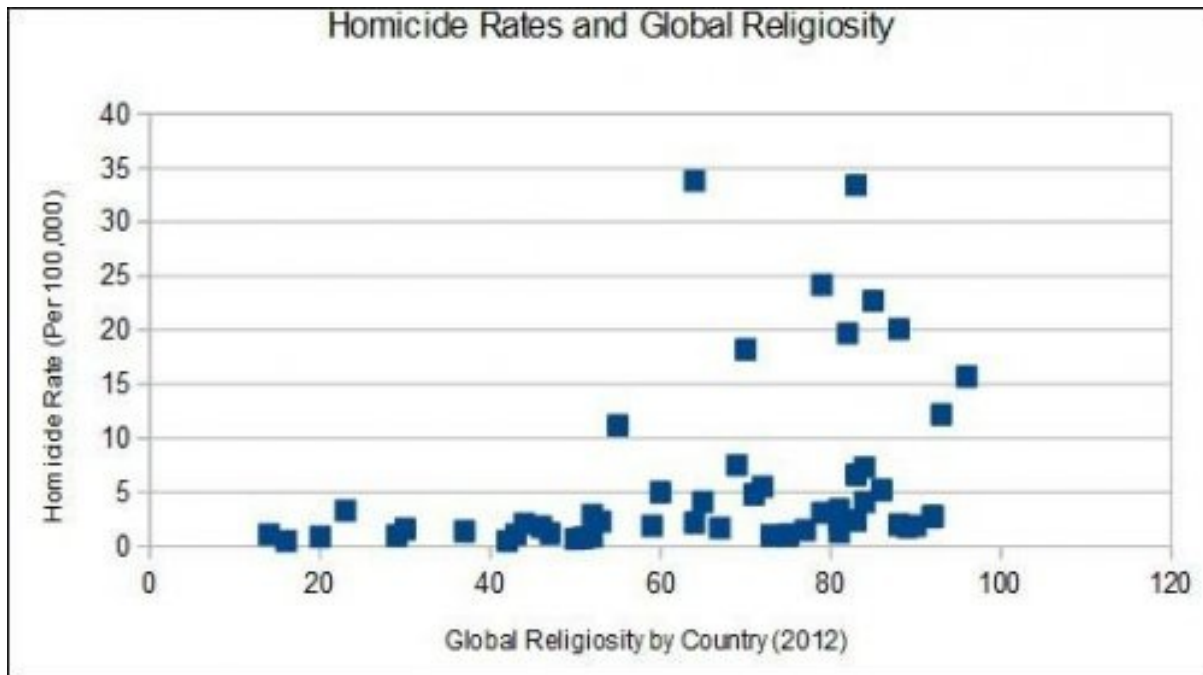
[[Graph 9.1](#)] *Homicide Rate and Belief in God Necessity*. Relation between Homicide Rates and Perceived Necessity for a Belief in God for Morality in 45 Countries.

9.2.2 – Homicide Rates and Religiosity

A similar moderate and positive association ($r = +0.35$, $p < 0.02$) is found when data from the *Global Study on Homicide 2011*

(http://www.unodc.org/documents/congress/background-information/Crime_Statistics/Global_Study_on_Homicide_2011.pdf) are related to percentage rates for “Global Religiosity” in fifty-three of those corresponding countries reported in the WIN-Gallup *International Global Index of Religiosity and Atheism—2012*, Table 1.

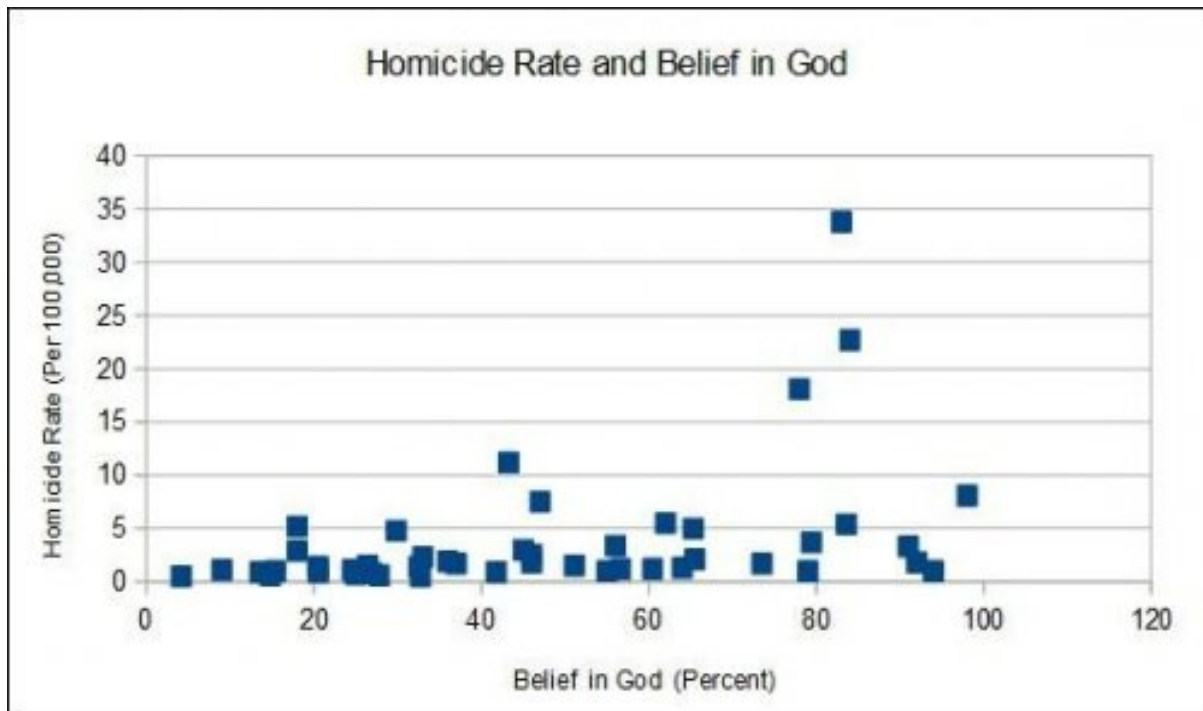
(<http://www.wingia.com/web/files/news/14/file/14.pdf>) The following **Graph 9.2** (Constructed by the author from these two sources) shows the relationship between homicide rates and global religiosity (as a percentage) by country:



[[Graph 9.2](#)] *Homicide Rates and Global Religiosity*. The Relation between Homicide Rates and Percentage of the Population Self Describing Themselves as a Religious Person in 53 Countries for which both Abscissa and Ordinate Data are Available

9.2.3 – Homicide Rates and Belief in God

Belief in God is the primary consideration for many in terms of its assumed relevance to moral behavior. The following **Graph 9.3** (constructed by the author from sources cited directly following the graph) is a graphic representation of the relation between homicide rates and the percentage of a country's population expressing a belief in God. Each data point on this graph represents the mean of either one, two, or three values (from as many surveys). The relationship (as is the case in the previous two illustrations) indicates a moderate and positive association ($r = +0.42$, $p < 0.01$) between the variables, suggesting (as above) that increased belief in God is associated with (at least in some countries) an increased homicide rate.



[[Graph 9.3](#)] *Homicide Rate and Belief in God*. Homicide rate across countries as related to belief in God. Each point is based on the mean of either one, two, or three values provided by one, two, or three surveys from 2008 to 2015. Data [2008-2015] from <http://www.statista.com/statistics/273004/global-belief-in-god-or-a-supreme-being/> or http://www.norc.org/PDFs/Beliefs_about_God_Report.pdf (Table 1) or <http://www.wingia.com/web/files/news/14/file/14.pdf>.

As can be seen in the preceding **Graphs 9.1–9.3**, homicide rates are not increased 1) by an absence of the necessity of a belief in God, 2) by a decrease in the overall religiosity of a country, or 3) an absence of a belief in God. In fact, the opposite seems to be the case in all three graphs. The Dostoevsky view is not supported by the criterion of homicide rate as a measure of moral behavior.

9.3 – A Theological Basis for Morality

Assuming that, despite the absence of evidence noted in the previous paragraphs and graphs, there is a cryptic Dostoevsky necessity for a belief in a god and, additionally, there is a need for some kind of systematic social structure to explicitly state and enforce a moral code to be followed, what deity (or deities) should be called upon to effectuate this?

9.3.1 – The Code of Hammurabi

Marduk, the deity associated with the city of Babylon, became more significant with the rise in importance of Babylon, but it was through a subordinate deity, Shamash, that legal influence supposedly developed. The Code of Hammurabi, dated variously from 2250–1750 BCE, consists of a set of 282 casuistic laws delivered (according to legend) by Shamash, the Babylonian god of justice, to King Hammurabi. These laws dealt with many everyday concerns between individuals and served to provide resolution of disputes, assessments of damage amounts to be paid for individual losses caused by another, determination of inheritance distributions based on relationship and status (e.g., wife, slave, son, daughter), etc. There were, also, penalties described for various legal infractions with the penalties ranging from monetary payments (fines) to be paid to one who had been damaged to cutting off fingers, plucking out an eye, removal of an ear, or death of the responsible person. In some cases penalties were not inevitably determined; a person (or for some sexual infractions, two people) would be bound and thrown into the water where they may or may not survive. In none of the 282 laws was there any mention of incarceration, suggesting that there were no prisons at this time. Some of the laws had severe consequences for their infraction (*lex talionis*—an eye for an eye), while others were more moderate. Overall, penalties were less severe than those in the later (non-theological) code of Draco (ca. 621 BCE), which consisted of widely available written laws. (<http://www.britannica.com/biography/Draco-Greek-lawgiver>)

The *ad hoc* nature of the individual laws, and the absence of clear apodictic pronouncements, seems to have limited the generality of the Code of Hammurabi, except as possibly a partial template for other law codes. See R. F. Harper, *The Code of Hammurabi* (1904) [<http://oll.libertyfund.org/titles/1276>] for a listing of the 282 laws and the Wikipedia article on legal codes for a more complete listing of other codes. (https://en.wikipedia.org/wiki/List_of_ancient_legal_codes)

9.3.2 – The Mosaic Code (Including the Ten Commandments)

By Mosaic Code (or Law of Moses; cf. Joshua 8:31-35) I mean the three versions of the Ten Commandments, as commented on in **PART I**, and the (primarily casuistic) laws of Exodus, Leviticus, Numbers, and Deuteronomy, which have been believed to have been written by Moses under the direction of the Israelite deity Yahweh. The total number of laws, as enumerated by Maimonides in his listing, is 613.

(<http://jewishencyclopedia.com/articles/4566-commandments-the-613>) He included a few from the narrative chapters of Genesis in addition to other books of the Torah. Assuming that this is an accurate description of what happened, what are the possible theological consequences for its acceptance? In contrast to the Hammurabic Code, which was monarchical, the Mosaic Code is thoroughly theocratic and similar (or identical) to the current view of theonomy described in **PART I**.

9.3.2.1 – Theocracy versus Ecclesiocracy

Precision in terminology requires consideration of a distinction between the terms theocracy and ecclesiocracy. A political system is a theocracy means that one or more deities is directly responsible for the laws ruling the behavior of residents within the governing boundaries of the theocracy. In contrast, an ecclesiocracy is a political system in which there is an official group of individuals possessing power, and usually claiming authority, from one or more deities in order to rule over the behavior of residents within the governing boundaries of the ecclesiocracy. To the extent that Yahweh communicated directly (or through the recognized intermediary of Moses) with the Israelites, following their departure from Egypt, we have a theocracy. When there is a church structure (e.g., the Roman Catholic Church) that delivers doctrinal statements regulating the behavior of members of the Church, the structural Church is, effectively, an ecclesiocracy. Because of intrinsic ambiguities within theological language, among other reasons, it seems that even the Oxford English Dictionary gets matters confused by conflating ecclesiocracy with theocracy in its definition of theocracy:

A form of government in which God (or a deity) is recognized as the king or immediate ruler, and his laws are taken as the statute-book of the kingdom, these laws being usually administered by a priestly order as his ministers and agents; hence (loosely) a system of government by a sacerdotal order, claiming a divine commission; also, a state so governed: esp. applied to the commonwealth of Israel from the exodus to the election of Saul as king.

(<https://en.wikipedia.org/wiki/Theocracy>)

A possible reason for the confusion between theocracy and ecclesiocracy lies in the difficulty in validly attaining a true theocracy. A number of requirements must be met for the theocracy to work. One or more deities who interact to some extent with people (thus, eliminating pantheism and

philosophical deism) will need to exist. Who, exactly, does the communicating between people and the deity (or deities)? That is, must it always be Shamash delivering laws to Hammurabi (or someone else) or may Marduk, the chief Babylonian deity, bypass Shamash on occasion? What accuracy is there between the deities? Consider the query of Matthew 27:46 (quoting Psalm 22:1) “...My God, my God, why hast thou forsaken me?” The presumption that the deities are in agreement and communication may be inaccurate.

9.3.2.2 – Theocratic Concerns

More significantly, for those who believe in the inerrant delivery of commands from a deity through vocal or written means (such as the presumed dictation of the Ten Commandments), consequences can be severe if some of the life-or-death statements or commands become corrupted in communication. Before elaborating my analysis of this, let me list some conditions which, I think, will be acceptable to those favoring a theocratic basis for governmental morality:

1. At least one theistic god exists and this deity communicates unambiguously with people.
2. One such god is Yahweh, the tribal deity of the Israelites and is author of each of the sets of the “Ten Commandments” (including the “Ethical Decalogue”).
3. The Ten Commandments (Ethical Decalogue) constitutes one such source to “... provide the moral background of the Declaration of Independence and the foundation of our legal tradition.” (As posted with the McCreary County plaque containing the Ten Commandments, previously quoted in **PART I.**)
4. Given that, in a prefatory “Short Statement” to its “The Chicago Statement on Biblical Inerrancy,” we find the following:

Being wholly and verbally God-given, Scripture is without error or fault in all its teaching, no less in what it states about God’s acts in creation, about the events of world history, and about its own literary origins under God, than in its witness to God’s saving grace in individual lives.

The authority of Scripture is inescapably impaired if this total divine inerrancy is in any way limited or disregarded, or made relative to a view of truth contrary to the Bible's own; and such lapses bring serious loss to both the individual and the Church.

Article XI

We affirm that Scripture, having been given by divine inspiration, is infallible, so that, far from misleading us, it is true and reliable in all the matters it addresses. We deny that it is possible for the Bible to be at the same time infallible and errant in its assertions. Infallibility and inerrancy may be distinguished, but not separated.

Article XII

We affirm that Scripture in its entirety is inerrant, being free from all falsehood, fraud, or deceit. We deny that Biblical infallibility and inerrancy are limited to spiritual, religious, or redemptive themes, exclusive of assertions in the fields of history and science. We further deny that scientific hypotheses about earth history may properly be used to overturn the teaching of Scripture on creation and the flood.

(http://www.etsjets.org/files/documents/Chicago_Statement.pdf)

Suppose the preceding conditions 1-4 are satisfied, and we have an established theocracy based on the Ethical Decalogue (the set of Ten Commandments familiar to most people) and, also, Scripture described under the Chicago Statement. How does this theological system work? To the extent that we have agreement about the basis and source of morality, we have answered (and satisfied) the Dostoevsky concern. We now have a statement of absolute morality which seems to be acceptable to a majority of U. S. citizens (suggested by survey results mentioned in **PART I** indicating public desire for the posting of the Ten Commandments, whatever they are, in public buildings). There are, however, some problems with this form of absolute morality, based on observations made in **PART I** about the consequences of the apodictic laws given by Yahweh. Suppose I, as an enthusiastic believing member of the theocratic society, embrace the Ten Commandments as my moral authority (or, in the summarizing words of Justice Scalia in *McCreary v. ACLU of Kentucky*, those so identified which "... were given by God to Moses, and are divine prescriptions for a virtuous life"). Circumstances may

arise in which I find some questions concerning what I should do. Let me illustrate these concerns with the following:

1. If I encounter someone who is evidently worshiping another god (such as Zeus, Baal, Satan), am I acting immorally if I do not stone this person to death as required by Deuteronomy 13:6-9 and Deuteronomy 17:2-5? Or do I report this apostate to the authorities? What about the person worshiping Allah, who is, for some, the same god?
2. If I encounter someone working on Saturday morning, am I acting immorally if I do not stone this person to death, as commanded by Exodus 31:15 and Numbers 15:32-36?
3. If I encounter a child who is considered by his parents to be stubborn, am I acting immorally if I do not assist in stoning this child to death, as required by Deuteronomy 21:18-21?
4. If I witness adultery between a person and another person's wife, am I acting immorally if I do not have both put to death as stated in Leviticus 20:10-12?

As one can readily see, encountering these transgressions raises problems (although not for the theonomist who believes in literally following Mosaic law). The reader may think I am cherry picking my examples, but please note that these are casuistic and unequivocal consequences of four of the Ten Commandments (or, more accurately, of two of the three sets of Ten Commandments, although worshiping other gods and working on the sabbath are prohibited in all three sets). The severity of the required penalties is not at all out of character for Yahweh, who not only condones, but also commands, infanticide among other atrocities in battle (Numbers 31:17-18 and I Samuel 15:3) and who exterminated all but eight men, women, children, and infants (and most animals) with the Noachic flood (Genesis Chapters 6, 7, and 8). Restating and transliterating the famous question of Socrates in the Dialogue, Euthyphro (<http://classics.mit.edu/Plato/euthyphro.html>), in terms of Yahweh of the Pentateuch: Is a command from Yahweh good because Yahweh commands it or does Yahweh command it because it is good?

Many theists (within the Abrahamic tradition) have difficulty reconciling the simultaneously held views that God is all knowing (omniscient), all powerful (omnipotent), good, and that evil exists, because of the apparent inconsistency of these views. If we resolve one horn of the Euthyphro dilemma by concluding that there is an external standard by which God may

be evaluated (i.e., Yahweh commands it because it is good), then it would appear that Yahweh, the deity of Moses and the Israelites and author of the Ten Commandments, by contemporary standards, would appear to be either highly immoral, or suffering from primary psychopathy, or both. I am not talking here about the existence of evil in the world (with the blame frequently ascribed to another deity called Satan, who reportedly seems to be commensurate in power with Yahweh). Instead, I am referring to the described actions of Yahweh in the Pentateuch. This record does not seem to reveal the actions of a good god unless one considers genocide, infanticide, putting to death obstreperous children, adulterers, people who worship gods other than Yahweh, or sabbath violators to be benevolent actions.

I think it can be said that the Dostoevsky view, although superficially attractive in its justification of belief in a deity (providing it is the correct deity), is fundamentally flawed. Moral behavior in the United States seems to occur, *de facto*, as a consequence of rules adopted by the (more or less) democratic agreement of the people in something resembling a social contract in which the governing bodies are provided powers that are to be used to enable effective population functioning, while retaining for individuals those rights and privileges not needed by the governing authorities (as in the Bill of Rights).

Chapter 10 – Church-State Separation in the United States

10.1 – Who is the God of Ceremonial Deism?

First of all, it is not the deity of philosophical or theological deism, as defined by the Oxford English Dictionary (previously mentioned). Another view is given by Vergilius Ferm's (Editor), *An Encyclopedia of Religion*, as follows:

deism: (Lat. *deus god*) An important rationalistic movement in England arising in the seventeenth century and continuing through the eighteenth. Deism asserted belief in one God, creator of the universe, but regarded him as detached from the world and making no revelation. The light of nature {*lumen naturae*} i.e., reason, was man's only reliance. Thus while there was a wide diversity in the opinions of the several deists, they were at one in their opposition to revealed religion in general and to Christianity in particular. The Old and New Testament alike aroused their attack as a collection of unauthentic and fabulous books. [Morton Scott Enslein]

(<https://archive.org/details/encyclopediaofre1945ferm>)

For more extensive descriptions of deism see
<https://en.wikipedia.org/wiki/Deism> and
<http://www.religioustolerance.org/deism.htm>.

In contrast, the ceremonial deism of Dean Rostow, Justice O'Connor, Justice Brennan, and others, reveals a juristically emasculated (in status and power) *de minimus* theistic deity whose name (God) can be used in governmental speech providing a façade of theism while, at the same time, preserving the status of a deity sufficiently insignificant as to not offend the Constitution. We have a deity who is a technical legal fiction, remaining Constitutional, but who preserves the illusion of religious presence. Ultimately, this may be a Pyrrhic victory for those who wish to preserve God at all costs. When (or if) it becomes evident that the *de facto* version of the Pledge of Allegiance has become (effectively), "I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under an insignificant God, indivisible, with liberty and justice for all," some may

wonder, “Where did the God of Abraham, Isaac, and Jacob go”?

Such a concern seems to have been expressed by Circuit Judge Manion in an Illinois case involving the Pledge and the Establishment Clause. He stated in a concurring opinion (in part):

I concur with the court’s fine opinion and conclusion that reciting the Pledge of Allegiance does not offend the establishment clause. I write separately to emphasize that we need not totally denude the Pledge by reducing its language to the lowest common denominator of “ceremonial deism” as favored by Justice Brennan. A civic reference to God does not become permissible under the First Amendment only when it has been repeated so often that it is sapped of religious significance. Such an approach implies that phrases like “in God we trust” or “under God”, when initially used on American coinage or in the Pledge of Allegiance, violated the establishment clause because they had not yet been rendered meaningless by repetitive use. (School District 21 of Wheeling Township 980 F.2d 437 (7th Cir. 1992))

So, where did God go? As in the the case of the vanishing Cheshire Cat in Alice in Wonderland, through successive applications of the interpretation of ceremonial deism, motivated by cognitive dissonance reduction, we have a deity diminished in significance to the point that “under God” in the words of Justice Brennan in *Marsh v. Chambers* no longer has “any true religious significance.” This theological trade-off has been made in order to make, for example, in the words of the Pledge, what seems to be a clear declaration of religious belief something other than a statement of religious belief. The proposers of legislation adding “under God” to the Pledge (Representative Rabaut and Senator Ferguson), the pastor who proposed it in a sermon (Docherty), and President Eisenhower, who signed it into law, evidently considered it to be an indication of religious belief. As quoted earlier, all four would subscribe to the summary statement of Judge Goodwin of the Ninth Circuit Court of Appeals in his decision, “To recite the Pledge is not to describe the United States; instead it is to swear allegiance to the values for which the flag stands: unity, individuality, liberty, justice, and—since 1954—monotheism.” (http://www.constitution.org/usfc/9/newdow_v_us.htm)

A distinction that can be made with regard to the use of “God” in phrases such as “under God,” “so help me God,” “In God we trust,” etc., is that in some cases these are officially mandated by law, in which case the Establishment Clause applies and should render such use unconstitutional. In other cases,

such as a Presidential swearing in, and through his or her own election adds an optional phrase, “so help me God” or “so help me Allah” to the oath of office, which is not mandated, no Constitutional offense exists. Similarly, when a politician (or anyone else) uses the word “God” in a speech, he or she is simply exercising a person’s right of free Constitutionally permissible speech. It is the official, state-recognized, use of religion that raises Constitutional issues and makes the state religiously non-neutral. The examples of historical mentions of God listed by Justice Rehnquist in *Elk Grove Unified School District v. Newdow* (Justice O’Conner concurring) include many elective references to God which are as Constitutional as describing scientific polling results about religion incorporating the word “God.” At issue are those instances of governmentally recognized requirements, commands, or mandates to use the word in a religiously non-neutral manner. The distinction here is based on the idea that the person speaking is representing his or her own views (without imposing them on others), while a governmentally sponsored phrase (such as, “under God,” “In God we trust,” or “so help me God”) represents the views of the government (and probable imposition of those views on others), in which case Constitutional concerns pertain.

10.2 – Some Concluding Suggestions and Observations

In order to reduce religious divisiveness I propose the following changes which are limited to governmental (and not private) actions:

1. Remove the phrase “under God” from the Pledge of Allegiance. By so doing there will be an increase in the number of people who can say it and an elimination of the stigma for those unable to say it for religious reasons. Besides this, the country survived until 1954 without it.
2. The phrase “IN GOD WE TRUST” should be removed from currency; after all, does the reader know which side of a dime or quarter it is on? Probably not. Its removal would have little impact.
3. The inclusion of “so help me God” in oaths should be eliminated because of the prejudicial effects public refusal to take it may have on jurors and others. Given that *Torcaso v. Watkins* was decided by a unanimous Supreme Court in 1961 (based on religious freedom grounds), it is strange that it appears in oaths today.

4. Change the official United States motto from “In God We Trust” to “In God Some of Us Trust” (for a more accurate statement), or to “*E Pluribus Unum*” (which served for many years as a *de facto* motto as more accurate and less divisive).

These suggestions are not made in the naïve belief that they will realized within my lifetime. They serve as goals indicating concerns that some, particularly those in minority religious groups, have in contemporary society. The primary concern I have is one of religious freedom, which requires strong separation of church and state. This separation is implied in the Article VI and the First Amendment of the U. S. Constitution. Additionally, as Article 18 of the United Nations Universal Declaration of Human Rights states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. (<http://www.un.org/en/universal-declaration-human-rights/index.html>)

Freedom of religion is, to some extent, recognized internationally, as indicated by the Universal Declaration of Human Rights. My hope is that freedom of religion and religious tolerance (see <http://www.religioustolerance.org/> for a large collection of articles covering a range of religions) will increase. I detect hazards in this trend when attempts are successfully made to insert governmental support for some religious belief systems over others. Usually such attempts (e.g., “under God”) seem to be made in the belief that the governmental support is universally acceptable when it is not to certain adherents of minority religious viewpoints. I am reminded of the objections of many people to the removal of government sponsored prayer in public schools. I think most objectors have the impression that the prayer in question is one they find acceptable, addressed to their preferred deity, and do not consider prayers to Allah, Satan, or other deities. It is, also, the case that private individual prayers by students continue to be permitted without offense to the U. S. Constitution (although it may seem strange to some, when a prayer requesting help on a test is given, that the deity should be called upon as an accessory in cheating).

And there is the danger of theological creep in which a change may be made that is sufficiently *de minimis* to be not that objectionable, alone, but when added to others can be significant. In my sampling of examples from Nazi Germany (in **PART II**), some were perceived this way because of limited

applicability. In view of the incremental increase in severity (and psychological distance between Jews and the rest of the German population) one is reminded of the famous statement of Pastor Martin Niemöller:

First they came for the Socialists, and I did not speak out—
Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out—
Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out—
Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

(<http://www.ushmm.org/wlc/en/article.php?ModuleId=10007392>)

Those having minority religious viewpoints—and some having majority religious viewpoints—tend to be very sensitive to legal changes that provide increased support to majority religions because, over time, cumulative changes can have the effect of making those with minority views second-class citizens. As stated by Justice O'Connor in her description of the endorsement test, “Endorsement sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” (*Lynch v. Donnelly*) Nor should the adherents of Christianity as a majority religion be content with the direction of the changes being made. The God of “under God” in the Pledge of Allegiance is, through a succession of court decisions, a god of ceremonial deism, unrelated to the God of Abraham, Isaac, and Jacob and unrelated to the God of Senator Ferguson, who sponsored the change in the Pledge in 1954. He stated in the Senate:

I have felt that the Pledge of Allegiance to our Flag which stands for the United States of America should recognize the Creator who we really believe is in control of the destinies of this Great Republic. (100 Cong. Rec. 6348)

I have no objection at all if someone believes (and says) that the United States is a Nation under God (or any other deity) by their own election. The problem arises when there is governmental or official enforcement of a declaration of this kind of religious statement resulting in the government no longer being

neutral with regard to religion. This should be of concern to anyone. Preservation of a strong separation between church and state may be particularly desirable (even for those who do not find it so at the present time) with the occurrence of future religious demographic changes that may affect current dominant-subordinate religious status relationships.

PART III – CONCLUSION

In comparing the ethic of reciprocity (golden rule) and various theologically based approaches to morality, it seems that there will be a high probability of fundamental disagreement among individuals if theologically based sets of apodictic and casuistic laws are adopted unless everyone in the group has (or is made to have) the same theological orientation. In a pluralistic society, as in the United States, this is not the case. Many divergent theological views exist with the consequence that, although some moral laws are generally accepted, some are not. Those accepted, such as opposition to murder, theft, and some instances of lying, are likely to have been accepted on the basis of the golden rule (in one of its variants) rather than for theological reasons or, possibly, both (since the three instances mentioned are included in the Code of Hammurabi and the Ethical Decalogue). As indicated for homicide, the need for a theological belief in God is evidently not necessary for ethical (i.e., do not murder) behavior and may possibly act against it. This may be more striking in the extreme historical cases of *autos da fé* of the Spanish, Portuguese, Mexican, and Peruvian Inquisitions and (recently) of the militant activity of the Islamic State in Iraq and Levant (ISIL) in which a belief in God or Allah provided justification for killing (as is, also, the case under Mosaic law) of heretics and apostates. A belief in the absolute truth of one's views (or the corollary view of inerrancy and infallibility of Scripture) without the restraints of reason, discussion, and consideration of alternative concerns (as they might be introduced under the golden rule) may have very serious consequences and generate a theologically induced ethical blindness. These consequences can be reduced in severity (or prevented) by ensuring that those who do not subscribe to the "absolute truth" and "inerrancy and infallibility of Scripture" are protected through a strong separation of church and state and resulting religious freedom—as provided by Article VI and the First Amendment of the United States Constitution.

CONCLUSION TO THE BOOK

In this book I have included numerous arguments and readily available sources relating to freedom of and from religion and observations about popularly accepted views of the Ten Commandments, religious expressions, and legal requirements (e.g., “so help me God” in oaths) that most people probably do not think about. I believe that more considered attention should be given to these arguments and concerns. They may be of minor significance to most people because of their adoption of what some refer to as “civil religion” in which they publicly subscribe to one of the majority religions without a need for understanding its tenets. (For elaboration see https://en.wikipedia.org/wiki/American_civil_religion. An alternative source is http://www.newworldencyclopedia.org/entry/American_civil_religion.) Legally, however, my views could hardly be more appropriately expressed than those included in the statement given by Justice Hugo Black in his decision for the Court in *Everson v. Board of Education* as follows:

The ‘establishment of religion’ clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever [form] they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect ‘a wall of separation between Church and State.’
(<http://caselaw.findlaw.com/us-supreme-court/330/1.html>)

This book is a critique of viewpoints, slogans, and adherence to literal Biblical pronouncements and laws that entangle church and state (including some involving civil religion). I have attempted to show how nearly universally accepted opinions or traditions (e.g., the Ten Commandments) are,

upon examination, highly questionable as societal regulations and also doubtful as to constitutionality as they are incorporated into law in the United States. The philosopher Socrates stated in *Apology*, according to Plato, "... an unexamined life is not worth living"

(<https://archive.org/details/trialanddeathofs00platia>) If you read between the lines of this book, I think you might accurately guess that I believe an unexamined religious life is not worth living. I can see that much of contemporary religion may be of limited value because of an absence of evidence for it or clarity in its statements (or both). Nevertheless, there is a definite sense of awe that I experience when I observe the night sky with my small telescope (and vicariously through the Hubble Space Telescope). Answers to questions I have are graduated in probability of being correct. Those answers that are based on ideas and knowledge formed and written thousands of years ago seem to have a low probability of being correct unless whatever is stated can be currently replicated. The water displacement effect noticed by Archimedes when he made his famous (possibly legendary) exclamation of Eureka as he stepped into his bath is as valid today (because it is replicable) as it was over 2000 years ago. A Biblical statement is at most an hypothesis—not evidence—of what may possibly be reality. Unfortunately, some have adopted the view expressed by the unknown author (possibly Paul) of the letter to the Hebrews that, "Now faith is the substance of things hoped for, the evidence of things not seen." (Hebrews 11:1) The first half of the statement may be useful as an hypothesis, but faith is not acceptable as evidence by any scientific criterion. Yet, some people act as if their faith (or strong faith—to be emphatic) justifies whatever conclusions they form based on faith alone. When there is evidence that contradicts views based on faith, the prudent thing is to accept the evidence and suspend the statements of faith.

This is not a book about religion and, certainly, not about my own theological views. I take no position with regard to the question of whether the class of gods is composed of one or more or empty. The tribal deity, Yahweh, as described in the Pentateuch does seem to be improbable, but is consistent in characteristics with the deity of Christianity who requires belief under penalty of spending an eternal afterlife existence in hell. Different Christian denominations specify different criteria for selection into heaven or hell. The Catholic Church describes hell (in part) in the following way in the *Catechism of the Catholic Church*:

Jesus often speaks of "Gehenna" of "the unquenchable fire" reserved for those who to the end of their lives refuse to believe and be converted, where both soul and body can be lost. Jesus solemnly

proclaims that he “will send his angels, and they will gather ... all evil doers, and throw them into the furnace of fire,” and that he will pronounce the condemnation: “Depart from me, you cursed, into the eternal fire!”

The teaching of the Church affirms the existence of hell and its eternity. Immediately after death the souls of those who die in a state of mortal sin descend into hell, where they suffer the punishments of hell, “eternal fire.” The chief punishment of hell is eternal separation from God, in whom alone man can possess the life and happiness for which he was created and for which he longs. [Notes omitted]

(http://www.vatican.va/archive/ENG0015/_P2O.HTM)

This is a book concerned with religious freedom and the resulting church-state disputes that have occurred over the past century. I recognize the fact that there are values for many people in religion. Religion can provide comfort for people in a variety of ways through ceremonial activities, social interaction, a worldview, hope for the future, participation in providing help and welfare to others (or receiving it, if necessary), among other benefits. In dealing with the the greater questions of life and interactions with other people, religion may provide the answers and social environment appropriate for the individual. Whether true or not, it permits one who adheres to such a religion to more pleasantly live. Literal acceptance of all of the parts of the religion is not necessary for the comforting effect it provides. For those who prefer a worldview that is more in agreement with modern science, there are many secular approaches and, also, modern religious organizations which can facilitate one’s existential attempts to find personal meaning in a universe that may or may not have any.

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CHURCH AND STATE: The Ten Commandments, Pledge, and U. S. Motto in Today's Universe

Revised Edition

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Ebook editing and formatting are by the author's wife, Nancy Robinson.

Published by Meticulous Analysis Press

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Appendix A – Selected Listing of Some First Amendment Related Decisions

List A.1 – Selected Alphabetical Listing of Some First Amendment Related Decisions

Abington School District v. Schempp, 374 U.S. 203 (1963)

Adarand Constructors, Inc. v. Mineta, 534 U.S. 103 (2001)

Adler v. Board of Ed. of City of New York, (1952)

Agostini v. Felton (1997)

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Marsh v. Chambers (1984)

McCollum v. Board of Education, 333 U.S. 203 (1948)

McCreary County v. ACLU of Kentucky, 545 U.S. 844 (2005)

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Newdow v. Rio Linda Union Sch. Dist., 597 F.3d 1007 (9th Cir. 2010)

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O'HAIR v. Blumenthal, 462 F. Supp. 19 - Dist. Court, WD Texas 1978

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Schmidt v. Cline, 127 F. Supp. 2d 1169 (D. Kan. 2000)

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Tobias v. Secretary, 419 Mass. 665 (1995)

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Town of Greece v. Galloway (2014)

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Van Orden v. Perry, 545 U.S. 677 (2005)

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Appendix C – About the Author

By formal training I am a mathematical biopsychologist with an undergraduate degree (B.A.) with majors in mathematics and psychology, a Master of Science in psychology (with additional graduate coursework in mathematics), a Ph.D. in psychology, and postdoctoral research and study in biopsychology. Currently, I am a Professor (Emeritus) of Psychology following 40+ years of teaching and psychophysical research in psychology.

This background, admittedly, does not provide religious or legal qualifications to speak authoritatively on the topics covered in this essay. Consequently, I have limited all factual statements and quotations to readily accessible sources (via the Internet) that the reader should easily find and evaluate independently. Because of the subject matter involved, numerous court cases are mentioned. These are listed in the text in abbreviated form (such as, *Plaintiff v. Defendant*). It is usually possible to simply insert the abbreviated name into an Internet search engine in order to access more information about the case (and, in most instances, the actual case decision itself). **Appendix A** provides a more formal and complete listing of many cases involving church and state. My purpose is to inform about (and stimulate discussion of) topics that seem to be publicly ignored.

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